

tion of gambling machines and devices; to the Committee on Interstate and Foreign Commerce.

3947. By Mr. KENNEDY of Rhode Island: Petition of 34 members of Woonsocket (R. I.) Young Men's Hebrew Association, favoring passage of House bill 1112; to the Committee on the Judiciary.

3948. By Mr. LEA of California: Petition of Pan American Aeronautics Congress and the Atlantic City Chamber of Commerce, opposing aeroplane antidumping legislation; to the Committee on Appropriations.

3949. By Mr. LONERGAN: Petition of Connecticut Congress of Mothers, favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

3950. Also, petition of Connecticut League of Local Building and Loan Associations, in behalf of the Calder-Nolan Federal building loan bill; to the Committee on Ways and Means.

3951. By Mr. McGLENNON: Petition of American War Mothers of New Jersey, favoring bonus bill; to the Committee on Ways and Means.

3952. Also, petition of Board of Commissioners of the City of Bayonne and William H. Parry, of Newark, N. J., favoring increase in postal salaries; to the Committee on the Post Office and Post Roads.

3953. By Mr. MAHER: Petition of Second Division Post, American Legion, New York, favoring bonus for ex-service men; to the Committee on Ways and Means.

3954. Also, petition of the Butterick Publishing Co., of New York, favoring more pay for postal employees; to the Committee on the Post Office and Post Roads.

3955. By Mr. MERRITT: Petition of Connecticut Congress of Mothers, urging the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

3956. By Mr. O'CONNELL: Petition of American Steamship Owners' Association, favoring transfer of Coast Guard from Treasury to the Navy Department; to the Committee on Naval Affairs.

3957. Also, petition of American Medical Association, favoring publication of medical history of the World War; to the Committee on Appropriations.

3958. Also, petition of Illinois Grain Dealers' Association, favoring House bill 13481; to the Committee on Agriculture.

3959. By Mr. OSBORNE: Petition of Private Soldiers' and Sailors' Legion of California, signed by Cornelius Mobile and 24 others, and Claude McGehee and 27 others, favoring a cash bonus for ex-service men; to the Committee on Ways and Means.

3960. By Mr. RANDALL of California: Petition of Private Soldiers' and Sailors' Legion, California, signed by Paul Chester and 260 other ex-service men, favoring bonus for soldiers in cash payment; to the Committee on Ways and Means.

3961. By Mr. RAKER: Petition of California State Real Estate Association, urging support of House bill 8080, exempting real-estate mortgages from income tax; to the Committee on Ways and Means.

3962. Also, petition of Oakland Chapter of American Officers of Great War, protesting against injustice of leaving them out of the additional compensation bill; to the Committee on Ways and Means.

3963. Also, petition of Henry A. Koster, of San Francisco, Calif., protesting against any bonus legislation; to the Committee on Ways and Means.

3964. Also, petition of Federal Employees' Union No. 1, San Francisco, Calif., urging support of \$25,000 appropriation asked by Civil Service Commission to keep the reclassification-records current; to the Committee on Appropriations.

3965. By Mr. TAGUE: Petition of sundry citizens of the State of Massachusetts, favoring an immediate increase in the salaries of post-office employees; to the Committee on the Post Office and Post Roads.

3966. Also, petition of B. J. Rothwell, of Boston, Mass., urging the immediate passage of the Fess-Kenyon bills, House bill 4438; to the Committee on Education.

3967. Also, petition of Air Reduction Sales Co., of Boston, Mass., protesting against the passage of Senate bill 3223 and House bill 9932; to the Committee on Patents.

3968. Also, petition of Eastern New England Conference Board, International Molders' Union of North America, favoring Irish independence; to the Committee on Foreign Affairs.

3969. By Mr. TILSON: Petition of Connecticut Congress of Mothers, urging the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

3970. By Mr. WINSLOW: Petition of 52 citizens of Massachusetts, for favorable consideration of Mason bill in re republic of Ireland; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, May 28, 1920.

(Legislative day of Monday, May 24, 1920.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

The message also announced that the House had passed a bill (H. R. 14198) to amend and simplify the revenue act of 1918, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 14198. An act to amend and simplify the revenue act of 1918, was read twice by its title and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. UNDERWOOD presented petitions of sundry citizens of Montgomery, Ala., praying for the enactment of legislation providing for the protection of maternity and infancy, which were referred to the Committee on Public Health and National Quarantine.

Mr. TOWNSEND presented a petition of sundry teachers of the Campbell School, of Detroit, Mich., and a petition of sundry teachers of the Alger School, of Detroit, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Kalamazoo, Mich., praying for an increase in the rates on railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Civic and Commercial Association of Sault Ste. Marie, Mich., remonstrating against recognition by the United States of the Soviet Government of Russia, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Ann Arbor, Mich., praying for the enactment of legislation providing for the protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

Mr. CAPPER presented a memorial of Fair Hope Grange, Patrons of Husbandry, Gridley, Kans., remonstrating against the passage of the so-called Nolan tax bill, which was referred to the Committee on Finance.

He also presented a petition of the Kansas State Federation of Labor, praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Mines and Mining, to which was referred the bill (S. 4259) to provide further for the relief of war minerals producers, and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, reported it with amendments and submitted a report (No. 639) thereon.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 7900) for the relief of Rudolph L. Desdunes, reported it without amendment and submitted a report (No. 641) thereon.

Mr. NEW, from the Committee on Territories, to which was referred the bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes, reported it without amendment and submitted a report thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STANLEY:

A bill (S. 4454) granting a pension to George T. Cooney (with accompanying papers); and

A bill (S. 4455) granting a pension to Charles C. Watson (with accompanying papers); to the Committee on Pensions.

By Mr. McCORMICK:

A bill (S. 4456) to create a commission on lynching; to the Committee on the Judiciary.

ABOLITION OF CONTRACT RETURNS OFFICE.

Mr. SMOOT. I introduce a bill to abolish the returns office, and I ask to have it referred to the Committee on Finance.

Mr. President, I wish to make a short statement on the bill. Sections 512, 513, 514, 515, 3744, 3745, 3746, and 3747 of the United States Statutes were passed at the time of the Civil War, with a view of guarding against corruption in connection with war contracts. They provide a "returns office" wherein must be filed a copy of each Government contract by the War, Navy, and Interior Department. Such copy must have an original "affidavit of disinterestedness" attached, and must be decorated with seal and ribbon, and be accompanied with copies of bids, offers, proposals, and advertisements involved. Under present conditions all this is pure waste—storage, paper, notary service, printing, ribbon, seals, time, labor, and expense of employees. I introduce this bill for the repeal of the returns office with a view of doing away with this unnecessary and expensive work.

The bill (S. 4453) to abolish the returns office was read twice by its title and referred to the Committee on Finance.

THE ALBANIAN STATE.

Mr. LENROOT. I offer by request a resolution, which I ask may be referred to the Committee on Foreign Relations.

The resolution (S. Res. 375) was referred to the Committee on Foreign Relations, as follows:

Resolved, That the Senate of the United States expresses its sympathy for the Albanian people in their effort to maintain their political independence and national sovereignty and to preserve the territorial integrity of the Albanian State within the frontiers drawn by the London and Florence conference of 1912 and 1913.

Resolved further, That this body expresses its sympathy with the legitimate aspirations of the Albanian people for a union of all Albanians within a single national sovereignty.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. SWANSON submitted an amendment proposing to appropriate \$60,000 for improvement of the post office, courthouse, and customhouse at Richmond, Va., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$275,000 for installation and improvement of the lighthouse depot at Portsmouth, Va., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

LANDS IN OREGON.

Mr. SMOOT. Mr. President, on last Monday, May 24, the Senate passed the bill (S. 3763) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co. To-day I am in receipt of a letter from Hon. NICHOLAS J. SINNOTT, chairman of the Committee on the Public Lands of the House, calling my attention to the fact that a House bill identically the same as the Senate bill passed the House on May 3, and asking me to have the House bill acted upon by the Senate. Therefore, if there is no objection, I should like to have action taken upon the House bill at this time.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection to granting the unanimous consent asked for by the Senator from Utah?

Mr. UNDERWOOD. Let the bill be read, Mr. President.

The PRESIDING OFFICER. The bill will be read.

The bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co. was read, as follows:

Be it enacted, etc., That in the administration of the act approved June 9, 1916 (39 Stat. L., p. 218), revesting title in the United States to the lands formerly granted to the Oregon & California Railroad Co. remaining unsold July 1, 1913, and the act approved February 26, 1919 (40 Stat. L., p. 1179), authorizing the United States to accept from the Southern Oregon Co. a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, the Secretary of the Interior is hereby authorized, in his discretion, to sell the timber on lands classified and withdrawn as power-site lands in such manner and at such times as he is now authorized to sell the timber from lands classified as timberlands: *Provided*, That if a valid claim for a preferred right of homestead entry, in accordance with the terms of section 5 of said act of June 9, 1916, or a preference right of purchase or entry under section 3 of said act of February 26, 1919, is shown to exist for lands thus classified and withdrawn, it may be exercised therefor, as provided in section 2 hereof.

SEC. 2. That the lands embraced in homestead entries or sales authorized by the proviso to section 1 hereof shall be subject to disposition as water-power sites upon the compensation of the owner of the land for actual damages sustained by the loss of his improvements

thereon, through the use of the land for water-power purposes, such damages to be ascertained and awarded under the direction of the Secretary of the Interior; and the rights reserved under this section shall be expressly stated in the patent.

SEC. 3. That the provisions of the act of Congress approved May 31, 1918 (40 Stat. L., p. 593), "To authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.," as amended in section 4 of this act, shall be extended to the lands reconveyed to the United States under the terms of said act of February 26, 1919, and authorize the exchange of lands embraced therein, in like manner and for the same purpose.

SEC. 4. That said act of May 31, 1918, is hereby so amended as to require the applicant for exchange to pay a filing fee of \$1 each to the register and receiver for each 160 acres or fraction thereof of the public lands embraced in proposed selections, whether now pending or hereafter tendered.

SEC. 5. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The PRESIDING OFFICER. The Chair will venture to inquire of the Senator from Utah if the bill for which he asks consideration has been reported from any committee? Does the Senator from Utah now report the bill?

Mr. SMOOT. The bill I have presented is a House bill identical in form with the bill which passed the Senate on last Monday, and I desire it to take the place of that bill.

The PRESIDING OFFICER. The Chair is advised that the House bill has heretofore been referred to the Committee on Public Lands, and is not on the calendar. Is it not necessary that the Senator report the bill from the committee?

Mr. SMOOT. I will say that is what I intended to do when I asked unanimous consent for its consideration. If there is objection, however, I will withdraw the bill immediately.

Mr. UNDERWOOD. I have no objection to the bill in itself. I have no doubt that what the Senator from Utah says is the absolute fact in the case, but I do not think we ought to take up bills which have not been reported after they have been referred to a committee. There is not a very full Senate present, and I do not think we ought to proceed to the consideration of the bill under the circumstances, although I have no objection, if the Senator reports the bill from the committee.

Mr. SMOOT. The committee authorized a report on an exactly similar Senate bill which has already passed the Senate. If the Senator from Alabama does not desire action taken on the measure now, I will withdraw the bill.

The PRESIDING OFFICER. The bill is withdrawn.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the joint resolution (S. J. Res. 189) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases.

WATER-POWER DEVELOPMENT—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes," and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HENDERSON. Mr. President, there has probably never been a measure before the Senate of the United States that received more careful and thorough consideration by this body than the measure that was finally enacted as section 18 of the river and harbor bill, approved August 8, 1917, and which is now to be repealed by the last four lines of the present water-power bill. Not only once but three times the Senate passed what is generally known as the Newlands Waterways Commission before it finally became a law.

Once it was lost in conference. Once it went out on a reserved point of order raised by Senator Gallinger, whose opposition, I understand, was not to this commission but to another matter in the bill which was of a much different character and which had been put in the bill as an amendment after it had reached the Senate. The third time the amendment creating this commission was passed and agreed to in conference. It is now a law, and a much-needed law, but if this conference report is adopted the amendment which Senator Newlands succeeded in placing on our statute books falls without ever a trial.

All the Members of the Senate who served with Senator Newlands are fully familiar with the years that he devoted to this subject and his untiring efforts to secure this legislation. It harks back to the Inland Waterways Commission appointed by President Roosevelt, of which Senator Newlands was a member. From the time his first bill on this subject was introduced after the report of that commission until the enactment of this measure, in August, 1917, he never slackened his earnest and tireless efforts to secure the adoption of this plan of bringing the different constructive agencies of the Government together in harmonious cooperation and coordination. It was the great dream of his life, and was largely accomplished when section 18 was adopted and became a part of the river and harbor bill of 1917.

There has been perhaps in all the history of the Senate only one other instance of such loyal and tenacious advocacy of a great idea by one Senator, that other instance being the advocacy of the Nicaragua Canal by Senator Morgan, of Alabama. In either case it was practically the life work of a great constructive mind. Senator Morgan's efforts did not bear fruit in the exact way that he had advocated, but no one can say that they did not contribute to the final construction of a canal connecting the Atlantic with the Pacific, though that canal was finally built at Panama instead of at Nicaragua.

In the case of Senator Newlands's great idea the legislation as finally enacted accomplished two out of the three of the purposes embodied in the plan as originally formulated by him. That plan originally contemplated three things:

First. The creation of the machinery for bringing into coordination and cooperation the various agencies, services, and bureaus of the National Government having to do with the great problem of the regulation and control of the waters flowing in the streams and rivers of the United States, and also to provide for cooperation between the Nation and the States and all local agencies.

Second. The making, by this coordinated and cooperating Government agency, on every watershed in the United States a comprehensive plan for the doing of whatever may be required to control and regulate the flow of that river, prevent floods, and standardize the navigable stage of the river throughout the year so far as might be practicable. These plans were designed to be actual plans for construction, the work to be apportioned to the different departments, each taking that part of the work within its jurisdiction: Topography to the topographical branch of the Geological Survey; stream measurement to the water resources branch of the Geological Survey; forest preservation and reforestation and the general problem of watershed protection to the Forest Service; reclamation, whether of arid or of swamp and overflow lands, to the Reclamation Service; channel-improvement work and all work of the character heretofore within the scope of the labors of the Engineers of the Army, to that department.

Third. The original plan contemplated a lump-sum appropriation of \$60,000,000 a year for 10 years, to be apportioned between the departments and expended directly, without the necessity for special annual appropriations by Congress, as was the plan of the United States reclamation act when it was originally adopted and a fund for construction created as provided in that act.

This last part of the Newlands plan was the chief bone of contention between the advocates and opponents of the plan. Senator Newlands believed in it very deeply and adhered to it most tenaciously until the war made it unquestionably impossible to secure any large appropriations for domestic expenditure while that great struggle continued. Under those circumstances Senator Newlands deemed it best to defer that part of his plan and to secure the enactment of the first two branches of it, creating the administrative machinery, and requiring the making of comprehensive plans on each watershed, treating a river as a unit from source to mouth, with a nominal appropriation of \$100,000 toward the cost of making plans, leaving it for Congress to determine, when those plans had been made, as to the propriety of constructing the works therein contemplated.

It must be borne in mind that the purpose of the law as finally enacted was not mere investigation, but the making of plans for actual construction, upon which appropriations could be asked and made to actually build the works and do the things which the plan showed were necessary to be done, in any and every flood menaced valley, and to make available for beneficial use for every practicable purpose, the standardized flow of all the rivers of the country.

It was in this modified form that the bill finally passed Congress and became a law. When that had been accomplished, Senator Newlands felt, and so declared, that the act as passed

inaugurated the great system in such a way that its benefits to the people of the country were at last assured. It was his belief that the local needs of the different localities for the plans provided for by the act would insure that local interest and demand so necessary to set in motion governmental forces in this field, and that when plans had been completed for flood prevention and river regulation upon any given watershed or for the benefit of any special community, the same local interest would be strong enough to secure the necessary appropriations.

In other words, he believed that he had brought into existence, as the result of years of effort, an automatic and self-perpetuating system for ending the terrible devastations that have been wrought in the United States by floods, and turning those agencies of destruction into beneficent agencies for wealth production and human betterment.

It seems difficult to believe that Senator Newlands's brother Senators, the men who have listened to his voice so often in this Chamber as he patiently unfolded this great plan and explained its details, and who have shown their faith in his plan by three times voting to pass this same measure and in the end securing its final enactment, should be willing now to allow the results of all those years of effort to be obliterated and the people of the country deprived of a great boon which the Congress of the United States has after years of deliberation conferred upon them. It is the people of the entire country who will be deprived of the benefits of this act by its repeal. The appeals for its enactment came from every part of the country. No law finally enacted by Congress was more earnestly demanded than this, especially from those sections of the United States menaced by floods. When the Senate set apart September 2, 1918, for memorial addresses on the life and character of the late Senator Newlands, as a part of my address on that day I embodied in the CONGRESSIONAL RECORD history of the great Nation-wide demand that had been voiced for this legislation, extending over a long series of years. That history showed that the West, through the National Irrigation Congress, had repeatedly urged the adoption of the Newlands plan, that the legislatures of several Western States had urged its enactment, that the Los Angeles Chamber of Commerce and many other similar bodies in the West had for years persistently advocated it. Many organizations on the Atlantic slope of the Appalachian Range indorsed it.

The Pittsburgh Chamber of Commerce and the Pittsburgh Flood Commission practically fathered the bill before the country when it was first so modified by Senator Newlands as to particularly include flood prevention and protection in its scope, as well as matters more directly related to navigation, and have repeatedly and continuously supported it, and after the enactment of section 18 they cooperated with other organizations in urging the appointment of the commission thereby created.

The Mississippi Valley has most earnestly supported the measure. As I understand, it was not only an agreed measure in the form in which it was finally passed, but the Senators from the lower Mississippi Valley pledged their support to Senator Newlands for this more comprehensive measure when the Mississippi River flood-control bill was passed, and that pledge was splendidly fulfilled when this Newlands amendment was, at the next session, reported from the Commerce Committee without a dissenting voice and unanimously passed by the Senate and agreed to in conference with only one dissenting vote from the House conferees.

Again, when speaking in favor of the passage of the White Mountain and Appalachian bill, Senator Newlands referred to assurances that he had received from the members of the Committee on Forestry as to their favorable attitude toward what he then termed his larger measure.

I read from the remarks of the Hon. Francis G. Newlands in the United States Senate on Wednesday, February 15, 1911:

Recently, before the Committee on Forestry, which has this bill in charge, I stated frankly the embarrassments under which I labored in continuing my efforts to enlarge this bill, and I am glad to say that there was but one expression in the committee, and that was of interest in and sympathy with the larger legislation which I have outlined—not an absolute committal to all its details, but an indication of friendliness to the general line of action proposed.

Afterwards, on February 21, 1916, when speaking on this subject in the Senate, Senator Newlands referred to the White Mountain and Appalachian bill, and in the course of his remarks said:

THE APPALACHIAN NATIONAL FOREST BILL.

My disposition was, when the Appalachian bill came up, to insist upon the consideration of this measure as an amendment to it. What was that bill? A bill which provided for the acquisition of mountain lands denuded of timber in the Appalachian Mountains and in the White Mountains. Under what power was that legislation sought? Under the interstate-commerce power. How? It was claimed that it affected navigation; that the effect of denuding these vast timber areas was to

precipitate the water falling on them suddenly into streams, thus swelling the streams to enormous proportions and endangering navigation and preventing a stable flow of the streams.

At that time I proposed to offer as an amendment this measure, and I was dissuaded from doing so by the members of the committee having jurisdiction over it. They were afraid that the consideration of a big measure of this kind might imperil the bill, and I was in sympathy with the movement for the acquisition of large areas of denuded land at the source of streams.

I realized not only that those deforested lands were shedding their waters into the streams just as a cemented surface would, but the soil was being stripped off of those lands and they were gradually being reduced to a condition of aridity, such as that which prevails in the mountains of China, where, as you view a mountain scene far distant, you do not observe great altitudes covered with trees and vegetation and green, but simply great, white, exposed, surfaces, apparently of clay and stone, from which the soil has been stripped. That soil goes down into the streams and away into the ocean, where it serves no useful purpose. So I was for the acquisition of those lands as a part of a general system of conservation in this country—a system of conservation which would ultimately fit in with the great scheme of waterway development which I had in view. So, having received assurances from a number of the prominent men of that committee, assurances which I shall likely remind them of in the near future regarding this bill, I reconsidered my disposition to force this bill upon that measure.

And Senator Newlands might have added not only that he refrained from forcing his bill upon that measure, but that he earnestly supported the Appalachian and White Mountain bill on its final passage through the Senate, for in his remarks on that bill made in the Senate February 15, 1911, he said:

For these reasons, Mr. President, I advocate and urge upon the Senate the passage of this bill without any amendment of any kind whatsoever. I shall vote for it.

Mr. President, Senator Newlands is not here to bring to the attention of Senators these numerous assurances given to him at different times to aid in the enactment of this legislation. It was unquestionably his intention to do so, but he was suddenly taken from your midst, and within less than 30 months after his death the Congress is about to repeal the law that he so long and earnestly labored to secure. But, sirs, I can not refrain from making one last effort to keep upon the statute books a law that will be of such great benefit to the people. Nor, Mr. President, can I believe that those assurances given to Senator Newlands by "a number of prominent men of that committee"—referring to the Committee of Forestry—are to be considered as personal. They were for the benefit of the people who have been so widely advocating this plan for the protection of their homes and property from floods, and bringing the rivers of this country under control for all beneficial uses.

Mr. JONES of Washington. Mr. President, I think that I ought to say a word in connection with the remarks of the Senator from Nevada [Mr. HENDERSON] with regard to the matter to which he has referred. I join with him very heartily and very sincerely in his encomium of the late Senator Newlands; it is deserved. The idea of Senator Newlands was a great idea, conceived by a great man, a man of far-seeing vision.

The bill to which the Senator from Nevada refers was passed in 1917, three years ago. The commission authorized by that bill was not appointed and has never been appointed. The House conferees were opposed to the Senate amendment. They called attention to these facts—and they are facts—that in the pending water-power bill and in the act restoring the railroads to their owners provisions are inserted which to a very great extent cover the ideas of Senator Newlands as incorporated in the bill of 1917. It is true they are not quite so broad, and yet they are very comprehensive, and, taking the two together, the House conferees contended—and I think with much force—that the purposes and the objects to be accomplished by that act can be and will be accomplished under the water-power bill and the act restoring the railroads to their owners.

I should like to call attention to one provision in the water-power bill in section 4, as follows:

That the commission is hereby authorized and empowered—
(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry, and its relation—

And so forth.

That is quite broad so far as it concerns the investigation of water resources and their utilization in any region where they may be developed.

Then, with reference to coordination of the Government agencies, paragraph (b) of the same section provides that the commission is authorized—

(b) To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the commission to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

Mr. President, the splendid ideas of this great man have been very largely incorporated in the measures to which I have referred, and, while the pending bill proposes to repeal the clause which provided for that commission, we are continuing in a legislative way the great ideas of Senator Newlands to a very great extent.

Mr. HENDERSON. Mr. President, what is anybody's business is nobody's business. The fear I have is that under the pending water-power bill the provision which has been referred to by the Senator from Washington will be forgotten.

I recall reading the debates that occurred on the floor of the Senate in 1917 when the Newlands Waterways Commission amendment was under consideration. The Senator from Washington, now in charge of the pending conference report, opposed that amendment, not on general grounds, not because he objected to the good that it might accomplish, but because he was afraid that the amendment would permit the President of the United States to appoint the heads of some of the executive departments as members of the commission. The Senator from Washington was not the only Senator that opposed the amendment on that ground. I believe his colleague [Mr. POINDEXTER] likewise opposed it; but at that time the Senator from Minnesota [Mr. NELSON] explained to the Senate that that contention was not well founded; that, in fact, it was not the intention of Congress in adopting the amendment providing for what is known as the Newlands Waterway Commission to grant the President the power to appoint the Secretary of any department on the commission, but it was intended to give the President the power to appoint, for instance, the Director of the Reclamation Service or the Director of the United States Geological Survey, all of which the Senator from Washington fully approved, according to the debates that occurred on this floor at that time.

Now, what happens? The water-power bill creates a commission, and that commission consists of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior. Following the line of the argument of the Senator from Washington three years ago, in addition to their secretarial duties are the duties created and imposed upon them by this bill, and they are not going to have time to carry out the great ideas of Senator Newlands as provided for as stated by the Senator. The amendment introduced by me and adopted by the Senate provides that this commission shall consist of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior—the same three Secretaries that constitute the commission under this water-power bill—and also the Director and Chief Engineer of the Reclamation Service, the Director of the United States Geological Survey, the Forester and Chief of the Forest Service, and the Engineer of the Corps of Engineers of the United States Army who is in charge of the river improvement work, so that every one of these commissioners would be under the three Secretaries who are named commissioners in the water-power bill. In other words, we will bring together the people who will carry out this work. The salaries that were provided for under the original amendment are eliminated from this amendment. I also eliminate the \$100,000 appropriation provided for in the original amendment, so there will be no expense. With the multitudinous duties now imposed upon the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior, and the additional duties provided for under this bill, I think it highly advisable that these other four commissioners be named. In other words, I feel that under this amendment as proposed and the Senate adopted the people will receive beneficial results from the old Newlands waterways commission created in 1917.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. HENDERSON. I yield.

Mr. JONES of Washington. I agree with the Senator; the Senator's views and mine are very much in accord; but it simply emphasizes what I said a moment ago, that this bill to a great extent is carrying out the great ideas of the late Senator from Nevada, Mr. Newlands.

Mr. Newlands was earnestly and persistently in favor of the sort of a commission that this water-power bill provides—that is, a commission composed of Cabinet officers. I have not changed my mind from three or four years ago. I still think that that was wrong; but this commission was provided in the bill as it passed the House. It has been adopted by the House two or three times, and they are insistent upon it. My view is not in the majority, but I am accepting it in order to get legislation.

Mr. SMOOT. Mr. President—

Mr. JONES of Washington. Just a moment. I think the commission that the Senator's amendment provided for is a

better and more effective commission than the one that we provide for, but I can not have my way about these things. I can not have my way in a good many respects, so I have to bow to the majority. As I said, this water-power bill is carrying out that part of the great idea of Senator Newlands that gives to these Secretaries this power. I think it is unwise to do it, but I am accepting the view of the majority in order to get legislation.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. HENDERSON. I yield to the Senator.

Mr. SMOOT. I want to say to the Senator from Nevada that I think a majority of the Senate did not want this commission. I was utterly opposed to a commission. I did not like the principle of it at all; but, as the Senator from Washington has stated, there had to be a compromise in some way in order to get legislation. Two years ago I positively refused to sign the conference report on a bill similar to this, and one of the main objections I had to it was the creation of this commission; but there had to be give and take, and the House insisted upon it. They would not yield in any way, and therefore, in order to get the legislation, we had to yield. I will say to the Senator, however, that a majority of the conferees on the part of the Senate did not want it, and I am quite sure a majority of the Senate did not want it in that shape; but we had to yield in order to get any kind of legislation.

Mr. HENDERSON. Mr. President, in answer to the Senator from Utah I will state that the RECORD shows that only one member of the conference committee voted against it at that time, and that was a Member of the House.

Mr. President, a few minutes ago the Senator from Washington stated that the Newlands Waterway Commission never had been appointed and never had been in effect. That is true; but I have here a copy of a letter that was addressed to the President of the United States on September 24, 1917, by Senator Newlands, shortly after the approval of the bill carrying his amendment, in which Senator Newlands states:

UNITED STATES SENATE,
Washington, D. C., September 24, 1917.

The PRESIDENT,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: We have now whole hecatombs of accumulated information, maps, surveys, and data filed away in the departments on nearly every question on which the Waterways Commission will have to report, and the matter of most immediate importance with reference to its organization would seem to be to so organize it as to most effectively insure the utilization of this existing data, together with the utmost economy in securing, through the existing machinery of the departments, such necessary connecting data as may be required.

The amount appropriated for the use of the Waterways Commission is so small as to exclude the possibility of any original investigations being made by the commission. It is only \$100,000. That will be enough, however, to carry the commission along until its usefulness has been so fully demonstrated as to insure its permanence, provided the commission is so organized that it will operate as a coordinating commission, within, through, and as a part of the executive departments which, under the terms of the act creating the commission, it is "to bring together in coordination and cooperation."

We have already had two commissions, the Inland Waterways Commission and the National Waterways Commission, which acted independently of the departments. Both have died, and their work has died with them. The commissions are out of existence, and their reports are forgotten. I believe this Waterways Commission will have the same fate unless it is organized as a part of the departmental machinery of the departments to be coordinated, and works directly under the supervision and authority of the four Secretaries representing the source of authority in those departments.

When I read that letter it occurred to me that the three commissioners named in this water-power bill would not have the time to go into this mass of material and get the information that was needed, and therefore the amendment was prepared and offered. The additional four commissioners to be created under this amendment are already in the Government service and under Government salary, and there would be no additional expense, and they could in the near future get all of this information together and have it ready for the commission to act upon.

In connection with the statement that the President has never appointed the commission, I am going to read a letter that was written to the President of the United States on August 1, 1918:

WASHINGTON, D. C., August 1, 1918.

The PRESIDENT,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: Since the Food Administration was established I have been assisting Mr. Hoover, but when the war service is concluded I will return as general manager of the California Fruit Growers' Exchange.

The membership of the exchange includes 75 per cent of the citrus-fruit growers in California, the crop being marketed and distributed through the association. The problem of water conservation is vital to the prosperity of the sections where this industry is the mainstay of agricultural production, there having been \$200,000,000 invested in California in citrus-fruit production.

We have for several years cooperated in the movement which resulted in the passage last August of the river regulation amendment to the river and harbor bill. Under the old system of appropriations through the river and harbor bills we could get no relief, because our rivers are nonnavigable. This new national system is expressly made applicable to all watersheds in the United States, and proposes to coordinate the work of the four departments that have in the past been working on water problems.

What is most vitally needed in California is a comprehensive plan made by the National Government. When such a plan has been made it will furnish the initiative around which all the local interests can be organized for effective results.

I should like to have the attention of the Senator from Washington for just a minute, because this is directly in line with the matter under discussion. I was afraid for a minute that because of the mention of the name of Mr. Hoover, Senators might have thought that I was taking up another matter; but this is absolutely in point and pertinent to the subject that I am discussing.

As soon as the river regulation amendment was passed the people of San Bernardino, Riverside, and Orange Counties employed a board of engineers and had an engineer's report prepared for submission to the commission provided for by the amendment as soon as it had been appointed.

The people in southern California, acting under that amendment, had a survey made, and they have data prepared, but no commission to which to refer it.

It was understood through the late Senator Newlands that the delay in the appointment of the commission was due solely to your absorption in war problems. We have hoped that perhaps during the present cessation of congressional activities you might perhaps find time to give the matter attention. If this can be done, the coordination and cooperation of the four departments which have been interested in the river regulation movement can be made effective, and the future handling of this great national problem will thereby be assured.

Yours, very respectfully,

G. HAROLD POWELL.

Mr. President, I realize that the commission created under the Newlands waterways act has never been appointed by the President. I am quite sure that the President of the United States is in sympathy with that legislation, and that the commission would have been appointed had we not been in the war. I have every reason to believe that the commission would have been appointed some time ago—in fact, shortly after the adoption of that amendment—had there been any available Army Engineers from whom a selection could have been made, as provided for in the act.

However, Mr. President, under the amendment which I proposed the commission is named, and that commission can serve a very useful purpose to the people of the United States.

Mr. NORRIS obtained the floor.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. KING. I wish to suggest to the Senator from Nevada that if the writer of the letter from which he has just read conceives that it is the power and the duty of the Federal Government to go into the State of California or into any other State and take charge of the little streams therein and to coordinate those streams which are used for irrigation purposes with the navigable streams of the United States he has a very erroneous conception as to the powers and functions of the Federal Government.

I would regard any legislation as mischievous in the highest degree which had for its purpose what seems to be in the mind of the writer of the letter from which the Senator has just read.

Mr. HENDERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. NORRIS. I yield to the Senator.

Mr. HENDERSON. I simply want to state that I read the letter to show the widespread interest throughout the country, what the people are doing, and how eagerly they want this legislation as passed in 1917.

Mr. KING. If the Senator from Nebraska will just pardon me one word, Mr. President, I am afraid the writer of that letter, as well as many other people, have fallen into the foolish and indefensible and very regrettable state of mind that the Federal Government should go in and take charge of the little streams, clean them out, and aid the individuals in their work of reclamation, in their farming operations. I think the majority of the people of the United States do not entertain that view, and they look with detestation upon this constant usurpation of authority by the Federal Government, which involves the destruction of the State, and the assumption by Congress of the most elementary duties and responsibilities resting upon individuals and upon communities.

Mr. NORRIS. Mr. President, in opposing the conference report I shall confine my remarks almost entirely to one amendment, the amendment which was put into the bill on my motion on the floor of the Senate when the bill was in the Senate, providing for the development by a governmental commission of the power at Great Falls, just above the District of Columbia line.

In confining my remarks, however, to this particular topic, I do not wish to be understood as favoring the bill as agreed upon in conference in a good many other particulars. I never did like the commission which has been provided for by the bill. I think it ought to have been an independent commission, not made up of Cabinet officers, who change every time there is a change of political control, and often change on account of different factions in one political party. However, I would not have regarded that objection as being sufficiently serious to bring about my opposition; but in order to save the time of the Senate I will not go over the argument which has been made, particularly by the Senator from Wisconsin [Mr. LENOX], in which I concur.

There are two fundamental proposition to which he called the attention of the Senate, and which he discussed quite fully, which I believe ought to be eliminated from any water-power bill which Congress enacts. One of them is that particular part of the bill which in effect makes the lease perpetual, and the other is the recapture clause. But since that has already been fully discussed, I am not going into it further than to say that I agree with the conclusions reached by the Senator from Wisconsin.

When the bill was in the Senate there was an amendment put on which provided for the development of the water power at Great Falls. I realize how difficult it is for conference committees to agree, and I realize that the conferees on the part of either House can not get all they want, and that they have to compromise, necessarily, in order to get legislation. The Senator from Minnesota [Mr. NELSON] championed the Senate amendment, I understand, in the conference, and was almost alone in his efforts to have the conferees agree to the amendment. There were members of the conference committee who were opposed to it in the Senate and who were outvoted on a roll call of the Senate when the amendment was adopted. There was at least one of the House conferees who was most heartily in favor of the House receding and agreeing to the amendment.

Mr. JONES of Washington. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. JONES of Washington. I wish to say to the Senator that personally I have always been in favor of this proposition, I have supported it at every opportunity, and have hoped that we would be able to get this development. I have referred many times in my State to the situation here as an example of the way the East conserves water power. I heartily supported the Senator from Minnesota [Mr. NELSON] in the conference, if I may be permitted to say that, although probably I did not insist so strenuously as he, because I was convinced that we could not accomplish anything further than we did. If I had had any hope of doing so, I would have stood out to the last, because I am heartily in favor of the Senator's proposition, or of any proposition which will lead to the development of this water power.

Mr. NORRIS. I thank the Senator, and I accept his explanation in perfect good faith and at full value. I have no doubt he did just what he has said, and I know he has favored the proposition in the past.

Mr. NUGENT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. NUGENT. The Senator, of course, is aware of the fact that I voted against the water-power bill when it was passed by the Senate, and I have been at all times, and am now, opposed to its enactment into law. The principal reason on which my opposition to the measure is based is that in my judgment it practically makes a gift to private interests of all the water-power sites in the United States now in Government ownership, including those on the St. Lawrence River and at Niagara Falls, and before the Senator concludes his argument, if it meets with his approval, I shall be glad to have him state his opinion in respect to that proposition.

Mr. NORRIS. Mr. President, I have been so extremely busy with other matters, particularly conference reports, and on account of the absence of the chairman of one of the great committees a great burden has fallen upon me, so that I have not had time—it has been a physical impossibility—to gather together some things which I would have liked to present to the

Senate on this question. So it may be that I will disappoint the Senator from Idaho.

However, let me say that in the amendment which was put on by the Senate provision was made for the development by the Government, through the instrumentality of the commission provided in the bill, of electric power at Great Falls and the increase of the water supply of the city of Washington. That is a very important proposition, and it ought to be connected up with the hydroelectric energy at Great Falls. The two can be worked together with great economy to both, and the particular project named in the bill as it passed the Senate provided for that kind of a development. I had no pride of authorship. I had no desire, Mr. President, to insist on any particular language. I would have been perfectly willing if the conferees had brought back here an amended proposition, so long as they had kept in it the one fundamental idea, that the Government by the law should be bound to develop this water power.

I would be perfectly willing, as I tried to provide in the amendment, that the commission should discard and throw aside the particular project named in the amendment and follow altogether new or different lines, provided that they should be permitted to build one dam, or two dams, or more, that they should let the contract, and do the work in that way, or that they should do the work as representing the Government and on behalf of the Government. I would not have cared if the amount of the appropriation had been changed, or any of its details had been changed, if we had settled by law the one thing that made it obligatory upon Government officials, some time at least, to enter upon this great work. But, instead, the conference report strikes out the amendment and comes back with an amended proposition which simply provides for an investigation by a commission and makes an appropriation to pay the expenses of that investigation.

Mr. President, for a great many years the Government has been investigating and investigating and appointing commissions and spending public funds investigating and reinvestigating this proposition. I presume it has been investigated more in detail than any other water-power proposition anywhere in the whole world, and almost invariably, so far as I know, without exception, where an investigation was thorough, or attempted at least to go into the details of it, the result was favorable and a recommendation made that the water power at the falls should be developed.

So it seemed to me the time to investigate, the time to appoint commissions to look it over and spend money, was past. I submit as my judgment that about all that will be necessary will be to some time get a commission which will make an unfavorable report, and then that will always be pointed to as a sufficient reason why this work should never be done by the Government.

Mr. NUGENT. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. NUGENT. I would like to inquire of the Senator from Nebraska how many investigations have been made of the Great Falls water-power proposition?

Mr. NORRIS. I will give a partial list before I conclude, and I do not know but that I might as well do that now as at any other time. This list, I judge, is not complete.

George Washington, I believe, made the first survey up there, but in 1894 there was a project known as the Frizell project, and a report made on that. Then came the Herschel project, in 1902. Then came the Sellers project, in 1903. Then came the Shireff project in 1903, and a Shireff project in 1904. Then the Kennedy project, in 1907, and the Nicholson project, in 1900.

Mr. NELSON. Mr. President—

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. NELSON. I wish to say a few words while the Senator from Illinois [Mr. SHERMAN] is here. I have been heartily in favor of the proposition of the Senator from Nebraska, as he knows, from the beginning. We did the best we could to get his amendment accepted in the conference, but the House conferees absolutely declined to yield.

The Committee on the District of Columbia is under the leadership of the very able Senator from Illinois [Mr. SHERMAN]. We have provided in the bill for a new survey and a new examination of the water-power question, and the report is to be made before the beginning of the next session of Congress. I sincerely trust the Senator from Nebraska, with his usual energy and activity, will take up the matter at the next session of Congress and see that something is done in the way of the improvement of that water power, to the end that Washington may get a more ample supply of water and to the end

that electrical power may be secured here for operating at least the Government buildings.

Mr. SHERMAN. Mr. President—

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. SHERMAN. I think I have said to the Senator from Nebraska in private conversation that I saw no good reason to oppose the creation of proper authority to make this survey and to do so promptly. The Senator from Minnesota [Mr. NELSON] has stated the condition up to the present time. If the matter comes to the District Committee, I assure both Senators, as well as other Senators here present, that it will have prompt action and that I myself will support the measure. I see no reason for delay, and so far as I have any authority in the committee it will receive very prompt action, as well as have my support on the floor of the Senate.

Mr. NORRIS. I thank both Senators.

Mr. JONES of Washington. As the Senator knows, I happen to be a member of the District Committee, and I shall welcome the report and shall welcome action upon it just as quickly as possible after it comes in.

Mr. NORRIS. I will refer to that again when I complete the statement of these various reports.

In 1911 the Leighton project was proposed. In 1913 the Seneca Falls project and the Langfitt-Herschel project, in 1913 the Leighton-Herschel project, and in 1916 the project known as the Hamilton project. I am not going into detail with reference to those various projects. The particular one that I wish to discuss, and which I think has been conceded by most of those who have investigated the subject as being the best, is the Langfitt-Herschel project of 1913.

The investigation by Col. Langfitt, now Gen. Langfitt, came about from the appropriation of \$20,000 in 1912 that was made in the sundry civil appropriation bill, or, at least, in some appropriation bill. Col. Langfitt, one of the great engineers of the Army, had charge of that report, and used \$20,000 in making the investigation. I have heretofore outlined that report before the Senate. It was a most comprehensive report. It went into every detail. The project was examined from all directions, and there was a definite recommendation made. The report provided for the development of hydroelectric energy amounting to an average of 66,000 horsepower, and likewise provided for an increase of the water supply of the city of Washington, so that if the ordinary increase of population should continue until 1950—I think it was—it would be sufficient to supply the needs.

It is understood, of course, that there are various ways in which this power might be developed, and that accounts for all these different projects. One utilizes the Great Falls proper, which in itself is a great water power. Others utilize the fall of the river between Great Falls and the District of Columbia line. That is what Langfitt did, and did not interfere with Great Falls, so that those who wanted to preserve it on account of its beauty would have no occasion to complain. Other projects have taken in all of the power between the District line and Great Falls and included the falls proper. Others take up the question of the construction of dams for the impounding of water farther up.

The weak point, and, as far as I know in my investigation the only weak point in the entire proposition, is that there is a great variation between high water and low water in the Potomac River.

Mr. JONES of Washington. Will the Senator allow me to interrupt him there and ask a question?

Mr. NORRIS. Certainly.

Mr. JONES of Washington. I have not examined the report for quite a long while. It was suggested to me the other night by some one—I forget now whom—that some engineer, in talking with him, stated that in his opinion the report did not discuss the matter that would be involved in connection with the canal running along there, and that in his judgment that was one of the serious difficulties in the way, that if they built a dam it would flood the canal. I do not remember whether the report discusses that or not.

Mr. NORRIS. The Senator is misinformed or his informant was misinformed. The Langfitt report does discuss and provide for it, and tells just what is to be done and what it will cost to do it.

Mr. NELSON. Mr. President—

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. NELSON. My recollection is that it recommends practically what I would call subsidiary reservoirs farther up the stream; that is, some minor dams with reservoirs to hold the water farther up, and in that manner insure a supply of water for the dry season.

Mr. NORRIS. The Langfitt report itself does not do that. Although I have talked personally with Col. Langfitt and he has

made some investigation of the subject, he did not do it in this report. Without the construction of a dam we would have a minimum horsepower—and that would be only occasionally, once in 15 years, and only a day or two then on an average, as the stream has been measured in the past—of 16,000 and a maximum horsepower of 99,000.

Col. Langfitt did not propose to utilize the falls proper. He utilizes the fall of the water between the foot of the falls and the District of Columbia line, where he proposed to construct the dam. It would have made a lake 115 feet deep at the deepest end and 9 miles long, and would have added greatly to the beauty of the surroundings of the Capital city. It would have made a great body of water there that would have been utilized by visitors to and residents of this city to great advantage.

By the construction of some reservoir dams farther up the river and the construction of the Langfitt Dam at the line, and then utilizing the falls proper, we would have more power twice over than would be sufficient to turn every wheel and light every house and run every elevator in the District of Columbia. Col. Langfitt did not propose to utilize it all, at least in the first instance, because he thought it was unnecessary and that could be done later if demand were made for more power.

So, as far as the development of this site goes, it has been practically exhausted, as far as examination of it is concerned. It has been investigated for years and years and years, and the water is still going down over the falls. Any man, whether he is an engineer or not, who will go out there and see the fall of the water will know that it is an economic sin to permit that power to go to waste. If that had been developed, according to this report, in 1913, we, for instance, would not have seen what happened in the city of Washington during the war and what is liable to happen next winter—a great coal shortage and perhaps a water shortage. We were right on the verge of that and will be again without any doubt. But for some reason or other some one somewhere has always been able to defeat the real development of this power.

Mr. BORAH. Has the Senator ever been able to locate them?

Mr. NORRIS. I said once here that it seemed to me one of the reasons or the first reason why it was not developed was the Potomac Electric Power Co., and the second reason was the Potomac Electric Power Co., and the third reason was the Potomac Electric Power Co. Of course there are other institutions of a similar nature outside of the city of Washington who do not want to have this power developed, because it would be an illustration of what could be done in water power. Right here, too, is an illustration of what the Government could do. The Government uses more electric energy and more light and more power than any other one customer in the District of Columbia.

Let me go back to the interruptions and speak of the effect of this new proposition which is going to come before the Committee on the District of Columbia. I hope it will turn out just like Senators have said it will, and that there will be action on it, but without casting reflection upon any member of the committee—for I want it distinctly understood that I do not, because I realize the multitudinous duties of Senators in committee work, and I realize that it is a physical impossibility for them to give attention to all things, important though they may be. Yet I have tried this proposition in all kinds of ways. I once introduced a bill and had it referred to the Committee on the District of Columbia, and I sent to every member of the Committee on the District of Columbia a copy of Langfitt's report, and I talked with most of them. It was finally referred to a subcommittee, but there was never any action.

One reason for it was that the War Department at that time reported against it. The bill was referred to the Secretary of War and referred to the District Commissioners. The District Commissioners promptly reported in favor of it. I said the Secretary of War reported against it. I may be wrong about that; it may be he did not make any report at all, but I remember I took it up with him afterwards in order to get him to make a report, and I was told by some official in the War Department that some engineer had written an article, condemning the Langfitt report, and that it was because of that that nothing had been done. I inquired what the article was and where I could get it and who was its author. I found that it was a magazine article of a couple of pages which had been written, in which they said in substance, as I remember it, that Langfitt, in reaching the cost, had omitted some things in his report that he ought to have included, or put something in that ought to have been excluded, I do not now remember which.

I afterwards met the author of the article, and while he said he was not at that time employed by the Potomac Electric

Power Co., he admitted to me that he had been in their employ. I thought from my conversation with him, although I was not a technical man and he was, that he did not even satisfy himself that he had made a good case.

However, Mr. President, we are not technical men; we are not engineers. I confess that I do not know as to these matters. If I should be intrusted or charged with the work I would not know what to do, but I should have to turn it over to engineers, to technical men. When we examine their report and find, so far as we are able to see, that the project is a proper one and that they recommend it, we have to follow the judgment of the technical experts, and a horde of them have almost universally been in favor of the development of this great power project. When there was a change in the office of the Secretary of War and the present incumbent, Mr. Baker, became Secretary of War, knowing what his reputation had been in such matters, I thought that we would at once get a favorable report from the War Department on this project, and that the work could be inaugurated.

Mr. NUGENT. Mr. President—

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. NUGENT. I should like to ask the Senator to explain, if he is familiar with the facts, the connection existing between the Potomac Electric Power Co. and the bankrupt, broken-down, jerkwater abomination which is known as the Washington Railway & Electric Co.

Mr. NORRIS. Mr. President, I have gone into that matter in times past and I shall have to speak now mostly from memory; but the Washington Railway & Electric Co. owns one of the street railways of the city of Washington; it also owns all of the stock of the Potomac Electric Power Co., which is the corporation which supplies the city of Washington with light and with some power. Between the two somewhere—I have forgotten now just how it is owned—there is another corporation, I think, which is called the Great Falls Power Co., which, I believe, has a capital stock of a million dollars. The real purpose of the Great Falls Power Co., in my judgment, is to prevent the development of the Great Falls. It claims to have some rights there that must be acquired before Great Falls can be developed; but it has been in existence for a great many years, and the stock, as I now remember, has been transferred from the Potomac Electric Power Co. to the Washington Railway & Electric Co. whenever the income of the Potomac Electric Power Co. has become so great that they fear a reduction of rates, and when the income of the other corporation crept up it would be transferred back to the other company. Something of that kind has gone on in the past; I have forgotten the details. The Great Falls Power Co. is a corporation which for a great many years past has owned and, I suppose, it now owns some rights at Great Falls. It claims to have some controlling rights; but it has never done a thing toward the development of the power which it was organized to develop.

Mr. JONES of Washington. Will the Senator from Nebraska permit me to interrupt him?

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Has the Senator read the opinion of Mr. Justice Gould, of the Supreme Court of the District of Columbia, in reference to this matter?

Mr. NORRIS. Yes. I have it here before me.

Mr. JONES of Washington. I thought it would be interesting in that connection merely to quote what Mr. Justice Gould says about the situation at Great Falls; but as the Senator has that opinion, I will not now interrupt him.

Mr. NORRIS. I was going to read a paragraph from that opinion in answer to the question of the Senator from Idaho.

Mr. JONES of Washington. Very well.

Mr. NORRIS. If I do not read what the Senator from Washington desires to have placed in the Record, I shall be glad to have him again interrupt me when I shall have concluded.

Mr. JONES of Washington. I merely thought it would be interesting to the Senate to note the fact that this company tried to have included for rate-making purposes the million dollars for its right at Great Falls; and I thought it would be interesting to have the opinion of the court in the Record, showing what the court thought about it.

Mr. NORRIS. Mr. Justice Gould passed upon that question and rendered an opinion which is very lengthy; it takes up a great many other questions which were involved; but as bearing on the question submitted by the Senator from Idaho, I will read a paragraph that refers to the particular corporation of which I have been speaking, that claims some rights at Great Falls.

Mr. NUGENT. From what report is the Senator about to read?

Mr. NORRIS. I am going to read from a decision of Mr. Justice Gould. He was passing at that time on the valuation

of the Potomac Electric Power Co. for the purpose of fixing rates, a valuation made under the law by the Public Utilities Commission. The Potomac Electric Power Co. appealed from that decision, the question was submitted to the court, and Justice Gould rendered the opinion. In referring to this particular corporation, he said:

The power company also claimed that it had a right to the allowance, as part of the historical cost of its property, of the sum of \$1,000,000, representing what it paid in its stock—

It paid that sum in stock, remember—

for certain water rights at what is known as the Great Falls power site. It is a significant fact that these rights to this nonproductive property were not only previously acquired by the Washington Railway & Electric Co. and held by it for 12 years before it transferred them to the power company, but that title, up to the time of the hearing in this case, had not been perfected, either in that company or in the power company. It is also worthy of notice that shortly before the public utilities law was enacted the Washington Railway & Electric Co. and the power company, acting through identical boards of directors, consummated a transaction by which these rights were transferred to the power company for \$1,000,000 of the stock of the latter company. This power site is located outside the District of Columbia.

In other words, they issued a million dollars' worth of stock and then gave it for a transfer of these uncertain rights which were owned by the Great Falls Power Co., which they have never tried to utilize for the improvement of the property but have simply held out of use. They were anxious that the Potomac Power Co. should have a right to include that as a part of their valuation and get returns on it in the way of charges for electricity to the consumers of the District of Columbia.

The court proceeds:

It has never been used for the purpose of supplying power to those who use electric current in the District of Columbia, nor is there a scintilla of evidence in the record that it ever will be so used by the power company. Its actual value is problematical, and the ability of a private owner of power rights at this site to develop them is further complicated by the larger Federal Government's interest therein. No witness who claimed to have any knowledge on the subject testified as to what the value was. For these reasons there was no justifiable theory upon which the \$1,000,000 of stock issued for it by the power company could be treated as an actual value of \$1,000,000 upon which the power company would be entitled to collect revenue from its patrons in the District of Columbia. The commission, therefore, did not err in excluding it, either as an item in the historical cost of the property, or in the reproduction cost, or in its finding of fair value.

Mr. NUGENT. Then, as I understand it, Mr. President, the Great Falls Power Co. claim to have certain rights in respect to the power site at Great Falls, and have for years claimed those rights. Am I correct in that?

Mr. NORRIS. In substance the Senator is correct; but it comes about in this way: In the first place, the Washington Railway & Electric Co. secured the stock in the Great Falls Power Co.; they sold the stock in that power company to the Potomac Electric Power Co. and received from the Potomac Electric Power Co. a million dollars of its stock; that is, the Potomac Electric Power Co. transferred to the Washington Railway & Electric Co. a million dollars of stock, and the railway company transferred to the Potomac Electric Power Co. title or the stock of the Great Falls Power Co., which was a corporation claiming to own and control some rights at Great Falls.

Mr. NUGENT. When were those water rights initiated, if the Senator knows?

Mr. NORRIS. I do not have that information here and I am sorry I am not able to advise the Senator as to that, but it was a great many years ago. The transfer of the Great Falls Power Co. from one corporation to another, of which the court speaks, was made 12 years ago. So we have here three corporations, all under the same ownership, as the court says, and with the board of directors of two of them identical, which two transfer the stock of the third from one to the other.

Mr. NUGENT. And during all those years there has been no development of electric power under those rights?

Mr. NORRIS. None whatever.

Mr. NUGENT. On the contrary, I gather from the Senator's statement that the corporations interested in the matter have during all those years blocked every effort on the part of Congress to have electric power at Great Falls developed by the Government.

Mr. NORRIS. Mr. President, I have no doubt in my own mind that the Great Falls Power Co. was organized for that purpose and exists for no other purpose. If the Government does ever undertake to develop the power at Great Falls—and the Government owns some property there also—it will find this corporation very anxious, and there will probably be some litigation as to what their rights are.

Mr. President, as I was about to say when the Senator from Idaho interrupted me, when Secretary Baker came into office I thought that we certainly would secure the development of Great Falls, because, as I looked at the matter, it really only

lacked the approval of the War Department and the submission of an estimate on their part to secure provision for the development by Congress. I went to see the Secretary; I talked the matter over with him; I handed him personally a copy of the Langfitt report. He told me he would have the project thoroughly examined, and later on he appointed a commission which made an unfavorable report. There was no money appropriated for the commission; they did not claim that they made any deep investigation; but what they did do, in the main, was to examine the various reports which had theretofore been made, and I presume looked the ground over.

I thought from what I saw in the newspapers when they submitted their report that it was favorable, and I wrote the Secretary of War a letter, to which I received an answer in which he sent me a copy of the report and called my attention to the fact that it was not favorable, but was unfavorable. I send to the desk the letter to me from the Secretary of War in which he forwarded the report, and ask that the letter may be read at the desk.

THE VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

WAR DEPARTMENT,
Washington, October 8, 1916.

Hon. G. W. NORRIS,
United States Senate.

MY DEAR SENATOR: Referring to your letter of the 26th ultimo concerning the recent report on the Great Falls power development, I note that you refer to the report as "favorable." It is presumed, therefore, that you have not seen a copy, and I am inclosing one herewith, believing that it will be of special interest to you.

It will be seen from the conclusions of the board (p. 20-22) that they think the cost of power from the development will be little if any cheaper than could be obtained by a steam plant, and also that they think thorough studies should be made of all phases of the project before the United States embarks upon it. They state that this will require the provision of adequate funds in order to provide for the field work and further study now shown to be required. They do not give their opinion concerning the probable cost of the examination, but quote the view of the district engineer officer who considers \$10,000 a fair sum.

Conditions have changed materially since the investigation of 1912 under direction of Col. W. C. Langfitt, Corps of Engineers (H. Doc. 1400, 63d Cong., 2d sess.), and in view of the recent remarkable development of the steam turbine and the evident wisdom of making a canvass of present demands for power in the District of Columbia and the present outlook concerning future demands, I concur in the conclusion of the board that the United States should not embark upon the project until all phases have been thoroughly considered in the light of present-day experience and present conditions.

In the absence of specific direction from Congress, I am not in a position to lay this subject before them with recommendation for action. The information before me does not show conclusively that further investigations will prove the development a wise undertaking. The indications are that its advantages, if any, will be small. If you deem it wise, however, to introduce a resolution for the thorough studies suggested by the board, this department will be glad of the opportunity to investigate and settle the question conclusively.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

MR. NORRIS. Mr. President, it will be noted that the Secretary in this letter states that he is opposed to this development unless another investigation is made and it is shown to be a feasible one, although he does not decide definitely against it. He says he concurs in the conclusion of the board. The board, among other things, found that if this water power were developed now it would produce a great deal more electric power than the Government and the District could use, and hence we would have a lot of power developed that we could not use, and of course the charge for the entire development would come from the consumers who did use it, and therefore it would make an expensive proposition.

In the same report, however, they say that another objection to it is that if all the power developed should be utilized by the various industries, the railway systems, and so forth, it would take all the power that was developed, and hence in years to come, when we needed more power, we would not have it, and so they were opposed to its development.

I answered this letter of the Secretary of War, and because my reply goes into the matter in detail and gives what I believe to be the correct conclusions that must be arrived at I ask that my reply to the Secretary of War may be read.

THE VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., November 29, 1916.

Hon. NEWTON D. BAKER,
Secretary of War, Department of War.

MY DEAR MR. BAKER: Upon my return to Washington I find your letter of October 8, together with inclosure as stated, awaiting my attention. The only thing I had heard in regard to the report made by the board appointed by you to investigate the Great Falls proposition was some newspaper comment, and that comment gave me the impression that

the report was favorable. I have read the report which you kindly inclosed very carefully, and I confess I am at a complete loss to see why this report made by this board should be considered by you sufficient to offset the report made by Col. Langfitt, as shown in House Document 1400, Sixty-third Congress, second session. Col. Langfitt's report was, I think, the most complete investigation that had ever taken place in regard to the Great Falls project. Indeed, I am unable to see how by any further investigation any additional light could have been thrown upon the subject. This report, it seems to me, completely exhausted the subject and was as complete in every detail, I presume, as any report that has ever been made in regard to any water-power proposition either in this or in any other country. To have this set aside, annulled, and held for naught by a report of Army officials, who made really no examination of the subject, except to analyze the various reports that have been made from time to time during the years that have passed, is something I am unable to understand. Even an examination of all these reports which they reviewed in their report, I think, will convince almost any disinterested and fair-minded person that this water-power proposition ought to be developed. As I remember, practically every report that has ever been made where any thorough investigation has taken place has been favorable. This board has made an argument against the development of this water power that is very similar to any argument that would be made by any person who was opposed to the proposition on the general theory of being opposed to any governmental development of any great resource. The fact that they happen to be officers in the United States Army does not, in my judgment, add anything to their argument, and even they admit that the proposition is feasible. The idea of making a further investigation and the expenditure of a further sum of public funds does not appeal to me when such a thorough investigation was made at the expense of \$20,000 by Col. Langfitt and his assistants. If your theory is correct, then there is no use of the Government ever trying to develop any proposition of this kind. Under your theory the lifetime of those who are living and some who are unborn would be taken up in investigations. When Congress appropriated \$20,000 for the investigation of this project it was supposed to be an investigation that would determine whether or not the Government should undertake the development. Col. Langfitt spent \$20,000 in making this investigation. His report in every detail was favorable. Now, the proposition is to make a further investigation. If this is done and another board spends \$10,000 more, as suggested by this report, in another examination, it will simply mean that by the time this report comes in some one of your successors, if he follows your theory, will ask that still another investigation be made to see whether the work should be done. This is one of the ways to which those who oppose progress always resort when there is no valid reason existing for further delay. Ever since the Langfitt report was made there has been nothing on the part of those who oppose this development except delay. If the Langfitt report, complete as it is, is not a sufficient reason for making this great improvement for the benefit of the Capital City, then we can never in the future expect to get one that is.

I note with a great deal of interest that one of the arguments used by your board against this development is that there is already a supply of electricity at very reasonable rates furnished by private enterprise and that the development of this great project would put them out of business, and thus be an injury to vested rights. If this is a valid argument, then it will be no use whatever to spend more of the public funds in investigations. If this argument is valid, then we ought to stop all progress and all improvement everywhere.

Another argument made, and it is a familiar one, is that the law under which Col. Langfitt made his investigation gave as a reason for the investigation the desirability of this improvement for the purpose of supplying the light and power for use by the Government of the United States and the District of Columbia. They then concluded that the power developed would be so much greater than the Government and District need that it would be unwise to develop it, because there would be no market for the surplus energy, and hence it would be an expensive proposition, since the Government could only use a portion of the energy developed. This argument has been made before, but it is made by men that apparently do not know that Washington has street railways operated by electricity; that there are thousands of houses in the city occupied by civilized people who would be glad to utilize electric lights and electric power if it were supplied within reasonable limits.

I note, too, that this board argue that if the Government should dispose of all this surplus power to manufacturers or others that in later years when the Government required more light and more power it would not be able to get it because all the surplus power had already been sold, and therefore in 1950 and the years following the Government would have to buy power elsewhere. This argument answers the other one, that we would have more power than we could use. If it is good, then no water power anywhere should ever be developed, first, because when it is first developed it would not be known that all the power could be sold; and, second, that if all the power should be sold trouble would arise in the future because there would be more people demanding more power.

The entire report of the board is simply an argument against progress, nothing else, and the thing that surprises me more than anything else is that it should receive your approval. Your work in the past and the reputation you have made would lead any unbiased friend of yours, such as myself, to expect different conclusions. Here is a great water power almost within sight of the Capital City that can supply electric light and power for the citizens, for the Government, for the District of Columbia, and for the street railways, and it only needs development. If you will compare the rates that the citizens of Washington must pay with the rates in your own beautiful city of Cleveland you can reach no other conclusion than that the people here are paying an exorbitant price. There is power enough going to waste at Great Falls to turn every wheel in the District. I had supposed that you would be one of the first to do your utmost to bring about its utilization, and I regret more than I can say that you have taken the side of those who are opposed to this improvement. With your opposition there can be no hope of bringing about this development. With your assistance there would have been no doubt but what proper laws could have been enacted to bring about this development and its resulting good to all the people of this city.

Very truly, yours,

G. W. NORRIS.

MR. NORRIS. Mr. President, I do not think I have anything further to say on the subject. It seems to me that even the throwing out of this one amendment would be a sufficient reason why this conference report ought to be rejected.

As I said at the beginning, if Senators or Members of the House think that it is a particularly bad time right now, on account of the excessively high cost of material and labor, to do the work, it would not have made any material difference to me, nor, I believe, to others who favor this legislation, if the conferees had brought in an amendment to the original proposition that had made ever so slight an appropriation, or even none, if it had provided in substance that this power should be developed, and leave it, perhaps, to the discretion of the proper officials as to just when they should commence work on it.

Mr. JONES of Washington. Mr. President, probably I ought to say a word. The Senate conferees attempted to do just what the Senator suggests. We asked that a small appropriation might be made; in other words, we sought to get recognition in the bill of the adoption of the project, regardless of the amount. We were sure the Senator from Nebraska would be satisfied with that.

The main objection of the House conferees was, I think, that it is an entirely new proposition; that it is a specific one; and that it was not the purpose of the power bill to deal with specific projects. They stated that it had not been acted upon by any committee of the House, that it had had no consideration by the House, and that they did not feel justified in acceding to it. As the Senator from Minnesota [Mr. NELSON] said, they would not accept the amendment, and they would not accept any amount. We acted upon it once, and we attempted to get it reconsidered, and urged it strongly. I feel that we did the very best we possibly could have done.

I feel that we have made progress toward the accomplishment of what the Senator from Nebraska [Mr. NORRIS], the Senator from Minnesota [Mr. NELSON], and I want. It is not the progress I would like to see, but it is progress, and when we get the report of the commission in January I want to assure the Senator that, so far as I am concerned, anything I can do to get legislation through which will make use of that power there, I will do. But I feel that while we have not accomplished, as I said, what the Senator and I would have liked, we have made progress toward the end we both desire.

Mr. NORRIS. Mr. President, the argument that this is a new project is hardly available now. It is one of the oldest projects in the United States. As far as the development of power is concerned, it is a very simple project. If we utilized the Great Falls proper and did not use the rapids between Great Falls and the District line, we could develop considerable power with a comparatively small expenditure of money. But no one in the House or the Senate could maintain that this is a new project. Here was an investigation made by the express authority of Congress and the public money spent for it, and it is not the only one which has been made. Now, we have a proposition to make another investigation. I do not feel, let me say to my friend from Washington, that this is any progress. It is simply continuing investigations, and I think it is a useless expenditure of public money to make them.

Mr. JONES of Washington. Mr. President, of course my use of the word "new" was not in the sense that it had never been considered, or anything of that sort, but that it had not been adopted by Congress, especially that it had not been passed upon by the House. At any rate, that was the attitude of the House conferees, and we could not convince them to the contrary. The Senator does not need to argue with me. He and I are very much in accord, except that I disagree with him in the idea that this is not progress. While it is small compared with the Panama Canal proposition, it is very much like it in that that project went over year after year, investigation after investigation was made, and we would not have had it yet, I suppose, if we had not had those investigations. But there resulted from it the accomplishment finally of that great work. I believe that this will bring results, and I believe that it will not bring another survey, but that if the Senators who are in favor of the development of that plant, as soon as this report comes in, will all get to work and press it, we will accomplish something, and accomplish just what the Senator and I want.

Mr. NORRIS. Mr. President, I hope the Senator is right, and, of course, he may be. I know that he is acting entirely in good faith. But the Senate conferees could have insisted that the House conferees should take this matter to the House, as they said the House had never voted on it, and let them act on it. It is probably true that every Senate amendment which was put on this bill the House had not voted on. If there was any great contention, then it would have been the duty of the conferees to take it to the House and let them vote on it. I have no doubt that if the House of Representatives had an opportunity, after a fair and reasonable consideration, to vote on this proposition, it would carry there overwhelmingly.

I fear that sometime, if we keep on investigating, we will get a report which is unfavorable, and there are thousands of interests, unseen to a great extent, which have devious ways of working by which even innocent men may be deceived, and if we ever get an unfavorable report from any commission provided for by Congress, then to the end of time that will be cited as a conclusive and real reason why we should go no further.

I would not object to an investigation if there had not been so many made, or if it was not a proposition where an ordinary individual, by looking at it, can see that power is going to waste there, and that it is a national sin, almost, to permit it to go to waste. It seems to me we have reached a time when we ought to act definitely and provide definitely for the development of this power.

We are going to have, possibly in the coming winter, a coal shortage. We are possibly going to have in this coming summer a water shortage. Both these have been staring the city of Washington in the face, especially a water shortage, for many years. If this project is delayed, then the attempt will be made, as it has been in the recent past, to develop the water supply in some other way, and the officials here will say, "We can not wait for this investigation. We must have more water for the people of this great city, and therefore we must provide some means to get more water"; and they proceed to get it, and spend money for it. Then, when we come to the consideration of the question, after the report comes in, as to whether this power should be developed, that argument in favor of the project is taken away; it is conceded, then, by its friends that it will be more expensive than ever. An increased water supply for the District is one of the great objects involved in this proposition.

Mr. KING. Mr. President, when this bill was before the Senate for consideration a few weeks ago, I discussed its provisions at considerable length and submitted some observations concerning the legal questions involved. I expressed my unalterable opposition to the measure and pointed out the evils which would result and the oppressive bureaucracy it would develop if it became a law. It passed the Senate without a record vote, as I recall, there being but few Senators voting against it. The bill then went to conference, and the report of the conferees is now before us. The House, as I read the conference report, has accepted most of the Senate amendments, so that the bill as presented for our action to-day is substantially in the same form as it was when it was approved by the Senate.

It had been my purpose to do everything within my power in a parliamentary way to defeat the conference report. Indeed, I have felt at times as though any Senator would be justified in employing a filibuster to defeat it. The general theory of the bill is in contravention of the rights of the States, and many of its provisions are so hateful and oppressive and iniquitous that I regard its passage as a great calamity. Unfortunately the views which I entertain respecting this measure are not shared by many of the Members of the legislative branch of the Government. I have been importuned by Senators and others in public station and in private life to not oppose this bill. At one time there was formidable opposition to its provisions. Substantially the entire West felt that it was iniquitous and unjust, and that it would fasten upon the States a most deadly and arbitrary paternalism. But the unyielding and unreasonable attitude of various sections of the country with respect to the policy which the Government should pursue toward the public-lands States has compelled some of the public representatives of the West to reluctantly abandon the position which they have held for so many years and accept the measure under consideration. As is known, public lands are locked up under executive orders, and the tyrannous and autocratic position of the Federal Government has prevented the development of the water power in the public-lands States, as well as other resources essential to the prosperity of the West and the welfare of the Nation. It has been felt by many who are bitterly opposed to this legislation that, bad and oppressive as it is, it is better than existing conditions—conditions which no patriotic American ought to defend and no lover of the rights of the States can approve.

This bill is a direct assault upon the public-lands States, and aims at the establishment of a licensing system which in its operations will inevitably lead to friction between the States and the Federal Government, and to the subjection of the people within such States to a centralized bureaucracy at Washington. The paralyzing effects of its influence and power have been felt in all parts of the Western States.

Under the pretext of protecting navigation, for which authority is claimed under the commerce clause of the Constitution,

this bill seizes the streams of the United States, whether navigable or not, and submits them to the control of executive agencies which will pursue the course of all executive agencies of the Government and aggrandize the Federal Government and magnify its instrumentalities. Notwithstanding there is no plenary or other power in the Federal Government to exercise any control over the streams of the United States, except to prevent interference with their navigation, this bill seeks the control of all sources of hydraulic power in the United States as well as the control of all streams therein.

I believe a fair reading of the bill will furnish convincing proof that it seeks to control not only the water-power sites in the United States but also the corpus of the streams and the hydroelectric plants which produce electric energy, together with the power thereby developed. Injurious and oppressive as its terms are as applied to those States in which the Federal Government owns no lands, its provisions are infinitely more oppressive and injurious as applied to what are known as the public-lands States. The people of the West have suffered from the inefficiency of the Federal administration and from the arbitrary policies and contemptuous behavior of executive agencies and officials.

This bill places additional authority and power in the hands of the bureaus and branches and officials from whom the West has so greatly suffered. The iron heel of a Government 3,000 miles away is more firmly planted upon the prostrate forms of the Commonwealths of the West and the millions of American citizens residing therein. I regret that I am powerless to defeat this measure. I regret that Senators from the Western States have thrown off their armor and have laid their lances at rest, and are ready, though with rebellious and sullen hearts, to place their necks under the yoke of bondage and oppression. I protest against this bill and denounce it as unjust, un-American, and a wanton and vital attack upon the sovereignty and integrity and liberty of the States.

It was my intention this morning to further analyze the bill and discuss many of its provisions and show the evil consequences which will flow from its enforcement. But the attitude of Senators, and the apparent determination of practically all of the Senators to support the conference report, has led me to the abandonment of my purpose. I warn Senators of the pernicious effects of the bill, and assert with all sincerity that those who are supporting and those who are submitting to it will live to regret its passage and sooner or later will be found demanding its repeal or material modifications of its provisions.

The VICE PRESIDENT. The question is on concurring in the report.

Mr. JONES of Washington. There are some Senators who have asked that we might have a record vote on the adoption of the report. So I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. SHIELDS], I vote "yea." The senior Senator from Pennsylvania is unfortunately absent owing to illness.

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I note that he is not present, and I am therefore not at liberty to vote.

The roll call was concluded.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. In his absence I withhold my vote.

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from Ohio [Mr. HARDING] and vote "nay."

Mr. CURTIS. I have a pair for the day with the Senator from Oklahoma [Mr. GORE] and in his absence withhold my vote.

I desire to announce that the junior Senator from Ohio [Mr. HARDING] is absent on official business of the Senate.

Mr. CALDER (after having voted in the affirmative). I am paired with the junior Senator from Georgia [Mr. HARRIS]. I note that he is absent and therefore withdraw my vote.

Mr. UNDERWOOD (after having voted in the affirmative). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent on official business, but I am author-

ized by him to vote on this question, and therefore allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINCHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Arkansas [Mr. KIRBY].

The result was announced—yeas 45, nays 21, as follows:

YEAS—45.

Beckham	Jones, Wash.	Page	Sterling
Brandegge	Kellogg	Poinexter	Sutherland
Chamberlain	Kendrick	Pomerene	Swanson
Colt	Knox	Ransdell	Townsend
Dial	Lodge	Robinson	Underwood
Elkins	McCumber	Sherman	Wadsworth
Fall	McLean	Simmons	Walsh, Mont.
Frelinghuysen	McNary	Smith, Ariz.	Warren
Gay	Myers	Smith, Ga.	Williams
Gerry	Nelson	Smith, S. C.	
Glass	New	Smoot	
Jones, N. Mex.	Overman	Spencer	

NAYS—21.

Borah	Henderson	McKellar	Sheppard
Capper	Kenyon	Moses	Trammell
Fernald	Keyes	Norris	Walsh, Mass.
France	King	Nugent	
Hale	Lenroot	Phelan	
Harrison	McCormick	Reed	

NOT VOTING—30.

Ashurst	Edge	Johnson, S. Dak.	Shields
Ball	Fletcher	Kirby	Smith, Md.
Calder	Gore	La Follette	Stanley
Comer	Gronna	Newberry	Thomas
Culberson	Harding	Owen	Watson
Cummins	Harris	Penrose	Wolcott
Curtis	Hitchcock	Phipps	
Dillingham	Johnson, Calif.	Pittman	

So the conference report was agreed to.

Mr. JONES of Washington subsequently said:

Mr. President, the conference report on the water-power bill has passed, so that anything I may say now will do it no injury. I refrained from discussing it in order to get it through. I wish to take a moment or two with reference to one suggestion that was made in opposition to the report.

It was suggested by two or three Senators that the provision in the bill with reference to a new license gives a perpetual license to the licensee. The provision as it passed the Senate reads as follows:

Provided, That in the event the United States does not exercise the right to take over, or does not issue a license to a new licensee, or issue a new license to the original licensee, upon the terms and conditions aforesaid, which is accepted.

There was much controversy over the words "which is accepted." It was urged very earnestly and vigorously that those words placed the discretion entirely in the licensee to say whether or not he would accept the license and thereby did in fact give him a perpetual license.

The House conferees urged that against the provision and the Senate conferees finally receded and we accepted the provision reading as follows:

Provided, That in the event the United States does not exercise the right to take over, or does not issue a license to a new licensee, or issue a new license to the original licensee upon reasonable terms.

It is the same argument that was urged against the words "which is accepted" that is now urged against the words "upon reasonable terms." I think without reason and without merit. I think that it clearly means that at the end of 50 years, if the commission issues a new license upon reasonable terms and the licensee refuses to take it, then of course his right terminates. If he contends that it is not on reasonable terms, the matter will be decided by the court, and if the court says that it is based upon reasonable terms, he having rejected it he is out. If the court holds that the terms are reasonable and the licensee has accepted it, of course he goes on then under the provisions of the bill.

Mr. President, these words were recommended and approved by the Secretary of Agriculture, Mr. Houston, who has been very strongly in favor of water-power legislation. In a letter to the committee under date of October 3, the committee having asked him for his views with reference to the amendment suggested by the Commerce Committee, the Secretary of Agriculture said:

As is also stated in the letter of June 11, the department approves the insertion of the words "on reasonable terms" or some similar expression, in the proviso of section 15.

Then he goes on to state that the words "which is accepted" do give a perpetual right to the licensee, but he urges the words "on reasonable terms."

These amendments were submitted to the Secretary of War, who will be a member of this commission, and who has also taken a very active part with reference to water-power legislation.

These amendments were submitted to the Secretary of War, who will be a member of the commission, and who has also taken a very active part with reference to water-power legislation. Under date of October 6, 1919, he states:

I have conferred with the Secretary of Agriculture and desire to concur in the letter sent by him to you covering the amendments suggested in the bill as it passed the House.

Mr. President, I think that the opposition to this provision on the ground that it gives a perpetual license to the licensee at his option is entirely without merit or basis.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 4163. An act to incorporate the Roosevelt Memorial Association; and

H. R. 4438. An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

THE COAL SITUATION.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to offer a resolution asking for information from the Interstate Commerce Commission, and to discuss the reasons for the same for a very brief time.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will report the resolution.

The Assistant Secretary read the resolution (S. Res. 374), as follows:

Resolved, That the Interstate Commerce Commission is authorized and directed to investigate and report to the Senate as soon as practicable:

(a) What amount of bituminous coal mined in the Pennsylvania and West Virginia fields during the months of March and April, 1920, was dumped over tidewater piers;

(b) What is the probable amount of the coal mined in these fields that will be shipped to tidewater in the next six months;

(c) What percentage of the coal dumped at tidewater during March and April was used for foreign bunkers and export cargo;

(d) From what ports were these exports made and how much from each;

(e) What percentage of the coal dumped at tidewater in March and April moved coastwise;

(f) How many railway cars were used in these months to carry the coal which went offshore for foreign bunkers and cargoes;

(g) To what extent has the price of coal for locomotive use on American railroads been raised due to the upbidding of coal prices by foreign buyers;

(h) To what extent does the eastern coast section of the United States depend on shipments of bituminous coal by water; and

(i) What is the total tonnage of bituminous coal shipped by water in normal times to supply the necessary requirements of the eastern coast section.

Mr. WALSH of Massachusetts. Mr. President, only the serious situation that confronts the country would lead me to take the time of the Senate to put before it some information as a basis for this resolution. The facts upon which I base the questions contained in the resolution offered are of such importance that I deem it wise to state them at this time.

Mr. President, I feel impelled to call the attention of the Senate to the alarming condition which I have learned exists in New England, a condition which, if permitted to continue and develop, threatens to spread all over the country. I refer to the shortage of bituminous coal, which has already closed many industries in that section and, unless soon relieved, must close many more, and eventually, as I am assured by reliable authority, can but lead to a nation-wide paralysis of industry.

This incipient coal famine is undoubtedly due to three contributing causes, the present car shortage, underproduction at the mines, and an extraordinary increase in the exportation of coal. These three factors are so closely interrelated, as I shall attempt to show, that all must be treated at once, and that no attempted remedy will assure our home markets of a sufficient supply unless all of these contributory causes are, as far as possible, removed without avoidable delay.

I feel, however, that the most marked and the most immediate relief, as I shall try to show, is to be had through remedying the third factor.

No one familiar with the events of the past few weeks will dispute the fact that a serious car shortage has made itself manifest, nor that this shortage is daily growing more acute. Without considering the causes which underlie this bad state of affairs, I think most of us will admit that, apparently, earnest efforts are being given toward effecting a more adequate supply of cars. And a close analysis, I believe, will show that because of the inability of the railroads to furnish cars pro-

duction of bituminous coal has been more than considerably curtailed, and statistics go to show that at present the mines are only producing from 30 per cent to 50 per cent of the normal coal supply.

The influence of increased carrying facilities will unquestionably increase production at the mines, for just as soon as the cars become available the operators can put their mines on a full-speed basis. Apparently, every possible effort is being made to better the coal-transportation facilities, and in this direction it does not appear as though Congress needs to direct or enforce any stronger policy.

But the third factor, which I mentioned as most largely contributory to our dearth of coal, namely, unparalleled exportation, a condition which does not grow out of the other two but is the result of the stringent conditions in foreign markets, is one which our Government can, and in the interests of American industrial and social security should, control. In the face of the car shortage and the incapacity of the railroads to move a reasonable percentage of the Nation's requirements, and in spite of the tremendous underproduction which this shortage has necessarily served to bring about, coal is pouring out of the United States for foreign ports at the estimated rate of 2,000,000 tons a month, and is expected by foreign-trade experts to reach the astounding total exportation of 4,000,000 tons by midsummer.

While our people must be satisfied with 33½ per cent production of the normal supply, our export buyers are taking more than 100 per cent of what went out of the country in the days of full capacity production. In a word, there is to-day more coal going out of the country than when we were at our maximum production.

Foreign agents in America, acting for their home representatives, have consistently overbid our home buyers. They have made offers for our coal which have been prohibitive to the domestic buyers, who, even when willing to pay the price, have often been unable to get a fair allotment of coal.

Some of this coal purchased for export is carried in British bottoms to Cuba, where it is exchanged for sugar, which in turn is carried back to Europe, while America continues to pay outrageous prices for this necessary commodity. English agents are buying up American coal and distributing it through their Mediterranean depots, and in return other raw materials are transported to England so as to keep British industries going at full speed. And what is more astounding this process goes on in spite of the fact that Great Britain has put a restriction on the export of her own coal, and reduced her exportation figures from 34 per cent of her total production in 1913 to 19 per cent in 1918, and as it now appears it is to be shortly reduced to 10 per cent in 1920. It is to the credit of British business capacity that the industries of England can operate on the domestic coal supply, while British tradesmen exchange American coal for materials for their own home markets. No one reasonably can attribute bad motives, double dealing, or commercial trickery to English merchants; they are simply acting in the interest of their own country, protecting it against economic collapse, strengthening its forces of production, and rehabilitating a whole industrial system deteriorated by war. It is not my purpose to attack Great Britain for her thoughtful, and surely lawful, manipulations in favor of her own people; but I want to ask why America has stood by and watched her coal supply, in itself not sufficient for our own people, carried off to all parts of the earth so that foreign industries may thrive? Must not our own industries continue to produce for America? Are we not bound to consider the needs of our own country first?

We can not defend this wholesale exportation of our own coal on the ground that it is necessary to prevent starvation and misery in debilitated European countries, for we must bear in mind that bituminous coal is chiefly used for manufacturing purposes.

During March of this year 1,050,000 tons of cargo and bunker coal were exported from Hampton Roads out of a total dumping of 1,700,000 tons; in April approximately 1,200,000 tons out of a total dumping of 1,900,000 tons were carried away to foreign ports. And during the month of April, while New England industries were left to face suspension and paralysis on account of lack of fuel, due, it is alleged, to car shortage, there was a 25,000 car movement carrying export coal from the mines to the seaboard. How short-sighted! How deplorable! How totally indifferent to the threatened collapse of our industries we have been! The New England all-rail gateway blocked with loaded cars, New England industries closed, the whole country facing not only a car shortage but a coal shortage, and we complacently permit foreign agents to buy our coal at fabulous prices and transport it to vessels waiting in American

ports with facilities that we need for the transportation of our own merchandise and our own coal.

As an illustration of the effect this apparently insatiable export demand has had on coal prices, a steamer in New York lacking bunker coal recently paid \$22 per ton alongside for enough coal to take her to Halifax. This price would mean a charge of \$18 per ton at the mines. Vessels arriving at New York finding it necessary to buy spot coal have to pay from \$15 to \$20 per ton alongside, as compared with a price of about \$5 per ton for the very same coal, or \$3.50 60 days ago, at the mines.

Many coal companies are selling at contract prices of \$4 and \$5 at the mines, but can not possibly get cars to transport their coal to regular customers. But spot prices in Pennsylvania and West Virginia range from \$8 to \$9 per net ton f. o. b. mines. The Boston & Maine Railroad—and the reason why I am particularly interested is because the situation so vitally affects the transportation system of New England—is now paying \$13.50 per ton f. o. b. wharf, Boston; \$8 of this is paid the producer at the mine, an increase of 100 per cent in the last 60 days.

Owing to the priority granted by the Interstate Commerce Commission to railroads within reach to load up at the mines, certain railroads are well supplied with fuel, but the geographically remote New England roads are facing a dangerous shortage. Railroads hold little encouragement that the car shortage can be relieved in the near future so as to begin normal shipments of coal to different sections of the country.

Retail dealers everywhere find it difficult to purchase coal at any price. In New England conditions seem to be worse in this respect than elsewhere. An extract received from Worcester retail dealers says: "The large operators selling coal on what are called circular prices are not giving us any coal at all. Independent companies will give small amounts at prohibitive prices." Reports from Massachusetts lead me to believe that whereas at this time of year normally the retail dealers have had substantial stocks of coal on hand, this year they have practically none and very few prospects of getting supplied.

What a terrible coal famine is imminent in New England can better be understood by the following figures. Her consumption of bituminous coal is approximately 25,000,000 tons per annum. It is impossible, because of the limited railroad gateways, to transport under ordinarily favorable conditions by rail more than one-half of the demand, or 12,000,000 tons. The balance must be bought at tidewater, mostly at Hampton Roads. This port is infested with foreign buyers with foreign ships, offering any price, and the result has been a tremendous increase in price by reason of this competition.

Last month nearly 66½ per cent of the coal dumped at Hampton Roads went to foreign or export trade, leaving only a few hundred thousand tons at best for the New England market. Any shipment by water less than 1,000,000 tons per month means a most serious shortage.

Mr. President, as I pointed out in my recent speech before this body, we are the only country in the world attempting to plunge through this upset, chaotic period without a policy of reconstruction. We are paying dearly for this neglect—and this reactionism—and the condition like the present coal emergency gives emphatic proof of it. The lack of an efficient Government control of exports and home distribution is responsible for an alarmingly dangerous situation, the outcome of which no human agency can conjecture.

But New England is not the only sufferer. The price of coal has risen in every part of the country by reason of the excessive prices offered by foreign buyers. In addition, the attractive prices paid for export coal has diverted coal from the Northwest and, if not already, very shortly, the Northwestern States will find their supply greatly reduced and the price doubled by reason of the exportation of American coal to Europe. The practical question for us to face and answer is this: Why should the American people suffer so that our producers can furnish foreign countries with coal for their commercial exchanges in every part of the world?

The data upon which my remarks have been based are not simply rumor or hearsay. I have had my facts verified and totally authenticated by several reliable men very close to the departments of our Government which have to do with mining, exporting, commerce, and transportation, and I am convinced that these men have in nowise exaggerated conditions as they exist. Mr. President, can our Government remain sluggish while our industries and railroads face such disastrous shortage of what is essential and necessary for their continuance, and will we refuse to help our people when they are threatened with conditions worse than those which rural Italy suffered dur-

ing the height of the war? It is not time to criticize or malign the British because they have outwitted us and cajoled our coal producers who care more for the jingle of swollen profits than the well-being and security of their fellow citizens. It is time to step in and take the reins from the hands of certain of our coal producers, who are leading us into the ditches of industrial stagnation and human suffering; it is time to keep enough of our coal at home to supply the full requirements of this country. And we can do it; an embargo declared on all coal destined for a foreign port, with power in a fuel administrator to distribute coal shipments according to the needs of the various sections of the United States, will help to settle the problem. Mr. President, I offer this resolution for the purpose of securing official information leading to that end.

The VICE PRESIDENT. Does the Senator from Massachusetts desire to have the resolution considered now?

Mr. WALSH of Massachusetts. Yes; if the Senate please.

The VICE PRESIDENT. Is there unanimous consent for its present consideration?

Mr. SMOOT. Mr. President—

Mr. POMERENE. Mr. President, I did not hear the reading of the resolution. I have been very much interested in the remarks of the Senator from Massachusetts.

The VICE PRESIDENT. The Chair desires to know whether there is objection to the present consideration of the resolution.

Mr. SUTHERLAND. I object to its present consideration. I have not had an opportunity to study it.

The VICE PRESIDENT. Then the resolution goes over.

Mr. SMOOT. I think the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Chair has not seen the resolution. It goes over one day under the rule, anyway.

Mr. FRELINGHUYSEN. Mr. President, I should like to ask the Senator from Massachusetts a question. In recommending an embargo against the export of coal—which can not amount to more than 25,000,000 tons a year, because that is the fullest extent of the capacity of the wharves and piers and loading facilities—out of 500,000,000 tons produced annually in this country, is he also in favor of an embargo against Canada, to which we export 16,000,000 tons annually?

Mr. WALSH of Massachusetts. Mr. President, I favor an embargo on coal which will reduce the exporting of coal in the same proportion that the production has been reduced in the United States. In other words, the production has been reduced from 100 per cent in normal times to 33½ per cent. All I ask for is that the exportation of coal be reduced to the same proportion, 33½ per cent.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. The Chair must hold that this debate is out of order. There is nothing before the Senate.

MEAT-PACKING INDUSTRY.

Mr. KENYON. I move that the Senate proceed to the consideration of the bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes. I desire to call the attention of the Senator from Illinois [Mr. SHERMAN] to the motion. I am moving to take up what is known as the packer bill. There is a general understanding that this bill shall be the unfinished business at the time the Senate adjourns or recesses. We do not ask to have it take the place of any legislation that may be brought up between now and the time of the recess, and I have assured the Senator from Illinois that we will not push it now; but we want to have it made the unfinished business, and after it has been made the unfinished business we shall be willing to lay it aside for any important matter.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator a question. If we take up the packing bill, as I believe it is called, there is undoubtedly going to be a good deal of debate on it.

Mr. KENYON. Yes.

Mr. UNDERWOOD. It will probably occupy all the spare time between now and adjournment, if we succeed in adjourning on the 5th of June.

Mr. KENYON. I think it is fair to say that it will.

Mr. UNDERWOOD. There is a good deal of legislation that is not seriously combatted—legislation outside of the supply bills and conference reports—that Members are interested in. If this particular legislation could be passed before the 5th of June, I could see that the Senator would have a right to push it; but I do not think it is probable that it can. It simply means debate until that time. I should very much prefer, if the Senator will agree to a proposition of that kind, to see it

go over until December, and fix a day certain for it to be taken up as the unfinished business, than to have it stand in the way of everything else here until the end of the session.

Mr. LODGE. Mr. President—

Mr. KENYON. I yield.

Mr. LODGE. I understood from what the Senator from Iowa said that in taking up this bill and making it the unfinished business now, he did not propose to allow it to interfere with any of the necessary business which we must transact in the course of the next 10 days.

Mr. UNDERWOOD. I understood that; but it will stand in the way of various small bills and matters of legislation that are not of grave public importance, but are of a good deal of interest to many people.

Mr. KENYON. Mr. President, I will say that there probably will be no discussion on the bill between now and then. It is simply a question of making it the unfinished business when we recess or adjourn. I hope we are not going to adjourn; but if we recess for some stated period, then this will be the unfinished business when we recess; that is all. I should like to ask the Senator whether we could not have unanimous consent to that effect. Would there be any objection to that?

Mr. UNDERWOOD. I have no objection to that, if the Senator's purpose is that certain classes of bills that Members may want to get up will be given a chance.

Mr. KENYON. It is not to be discussed. This is just an effort to make it the unfinished business; and if we can have a unanimous-consent agreement that it shall be the unfinished business at the time of the recess or adjournment, we are satisfied.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KENYON. Certainly.

Mr. LENROOT. If the Senator would make his request in this way, that at the time of the recess or adjournment this bill shall be the unfinished business but not made the unfinished business now, that will answer every purpose.

Mr. UNDERWOOD. Mr. President, I do not like to make an agreement with the Senator from Iowa that I think would mislead him. I suppose he wants to make this bill the unfinished business when we adjourn, so that it will be the unfinished business when we meet.

Mr. KENYON. Yes.

Mr. UNDERWOOD. But, as I understand, when we adjourn the unfinished business goes to the calendar.

Mr. KENYON. I do not think so.

Mr. UNDERWOOD. If it does not, then it is all right; but that is my understanding of the rules of the Senate.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The Senator from Iowa is running this.

Mr. KENYON. I yield to the Senator from Massachusetts.

Mr. LODGE. I was only going to say that taking up the bill at this moment does not make it the unfinished business, the hour of 2 o'clock not having arrived. I think the purpose we all have is similar, and that is to make this bill the unfinished business to be taken up after the recess or adjournment, as the case may be; and I suppose that can be reached by unanimous consent.

Mr. KENYON. That covers the situation very clearly.

Mr. SHERMAN. Mr. President, in the event a recess is voted by the Senate, if this bill is carried over then and made the unfinished business at the recessed session, I should like to inquire when it will be taken up. That will be along some time in July. The last convention is not held until the 28th of June, and even if we do not adjourn it will be July, probably, before the recessed session will convene. What arrangement will be made in July and August or between the time we convene in recess and the first Monday in December, when the regular session begins?

I should dislike very greatly to be in a condition where I am compelled to return to this Chamber, say, on the 5th or 6th of July and remain until the following December. I want to vote. I have voted an absent voter's ballot now for four years. I have not been home, and I do not want to be in a condition where I must stay here all summer. For the last eight years, with the exception of one, I have been here practically all summer. Could we not put something in the agreement that would cover at least a convenient arrangement?

Mr. KENYON. I shall be perfectly willing to put in it a stipulation that the Senator from Illinois need not be here.

Mr. SHERMAN. I shall not be here voluntarily, I assure the Senator.

Mr. KENYON. How would this do? We can not determine that until we see when the recess is taken to. I assume that it

will not be taken to a time later than July. Perhaps the Senator from Massachusetts can tell us about that.

Mr. SHERMAN. Would it not be safer to adopt the suggestion made by the Senator from Alabama and make the bill the unfinished business for December? It then has priority. I do not want to talk all summer, and still I may be compelled to do so.

The VICE PRESIDENT. Why are we discussing the question of making something in the future the unfinished business? You can not by an act of this Congress make anything the unfinished business. It is made by the condition that exists at the time of adjournment.

Mr. KENYON. Can we not make it the unfinished business prior to adjournment by unanimous consent?

The VICE PRESIDENT. Certainly not; no. The unfinished business is the last business when the adjournment is taken.

Mr. KENYON. It is the same Congress.

Mr. UNDERWOOD. Mr. President, I do not agree with the Chair at all about that.

Mr. LODGE. Neither do I.

Mr. UNDERWOOD. I think it is entirely in order for the Senate to adopt an order prescribing what the business shall be on a certain day.

The VICE PRESIDENT. That is a special order. That is a horse of another color.

Mr. UNDERWOOD. That is what we are trying to agree on.

The VICE PRESIDENT. That is provided for—that you can set a thing down at a certain time for consideration.

Mr. UNDERWOOD. That is what I understood the Senator from Iowa desired to do.

The VICE PRESIDENT. That is not unfinished business.

Mr. UNDERWOOD. I understood that it is the purpose of the request of the Senator from Iowa to have a special order made by unanimous consent, and make this bill the unfinished business under that special order at a certain date—I mean, a special order for its consideration, not for a vote.

Mr. SHERMAN. Mr. President, would not the Senator be satisfied with that? That is a practical arrangement.

Mr. KENYON. If we are going to adjourn, I shall be perfectly satisfied with that. If we are coming back here in September, I should not be satisfied with it. So far as I am concerned, I will vote for a recess to September; but I am not going to vote for an adjournment, and I hope we will not adjourn. If we come back in September, would the Senator have any objection to having the bill taken up then?

Mr. SHERMAN. I do not want to make any agreement. I shall not object. I will sit mute in my seat and say nothing.

Mr. KENYON. That will be satisfactory.

Mr. SHERMAN. But I prefer that it be not done, of course.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Iowa a question. I understood the Senator to say that even if this bill is made the unfinished business he does not expect to discuss it during this session.

Mr. KENYON. No; not to discuss it.

Mr. SIMMONS. Does the Senator think he would have any difficulty in getting this bill up at any time that he wishes to take it up, either this session or next session?

Mr. KENYON. I judge only of the future by the past, and I am very sure there will be difficulty.

Mr. SIMMONS. Has the Senator any doubt that there are enough votes in this Chamber at this time to take up this bill, now or later, against any opposition?

Mr. KENYON. I think there are enough votes now, and that is why I should like to take it up. I do not know whether there will be as many after election.

Mr. SIMMONS. I do not feel that there would be any votes on this side against taking it up now or at any time during the next session; and if the condition of sentiment in this Chamber is such that the Senator can take it up now if he wants to, and can take it up at any time during the next session that he wants to, why does the Senator want to take it up when he does not intend to discuss it?

Mr. KENYON. Mr. President, I am anxious, and I am sure the Senator from Wyoming [Mr. KENDRICK] is, to take it up and act on it during this session. That is our desire; but we found that to do so would come in conflict with the appropriation bills, and we do not want to delay them. The Senator from Illinois, who is very much opposed to the bill, wanted to get away, and a good many other Senators want to get away. We do not want to be in the position of forcing the Senator from Illinois to stay here during the coming week; otherwise, we should be glad to take it up.

Mr. SIMMONS. Exactly; but the point I am making is, as the Senator does not intend to discuss it at this session, what

is the use of his having it made the unfinished business when it is certain, in my judgment, that at any time the Senator wants to take it up in extra session or special session or after the recess he can take it up?

Mr. KENYON. The Senator will concede, will he not, that it is a great deal more certain that it will be taken up if it is made the unfinished business when this session closes?

Mr. SIMMONS. It is a case of certainty in both instances; and therefore I do not see why the Senator is so anxious to have it declared the unfinished business now.

Mr. KENYON. I am anxious simply to have the bill acted on. I have been anxious for months to have it acted on.

Mr. SIMMONS. I would believe the Senator was right about that provided there was any doubt about the attitude of the Senate with reference to taking up this bill.

Mr. KENYON. Well, that is an unknown factor.

Mr. SIMMONS. I do not think it is an unknown factor.

Mr. LODGE. Mr. President, it is impossible at this moment to tell exactly what we shall do on the 5th day of June; but I assume that a recess, either long or short, will be taken on that day. In fact, I think that will have to be done, because I doubt if there will be a quorum. Therefore it seems to me that we could meet the wishes of the Senator from Iowa, which I am very anxious to do, by providing that at 2 o'clock on the 5th day of June we shall take up the packers' bill.

Mr. KENYON. That will be satisfactory.

The VICE PRESIDENT. That requires a two-thirds vote. Is there any objection to it?

Mr. LODGE. Why a two-thirds vote? Can it not be done by unanimous consent?

The VICE PRESIDENT. You are attempting to make a special order for 2 o'clock on the 5th day of June.

Mr. LODGE. Can we not do that by unanimous consent?

The VICE PRESIDENT. You can. That overrides everything.

Mr. KENYON. Will the Senator from Massachusetts make that request?

Mr. LODGE. I make a request for unanimous consent that we take up the packers' bill at 2 o'clock on the 5th day of June.

The VICE PRESIDENT. Is there any objection?

Mr. SIMMONS. Mr. President, I do not exactly understand the request of the Senator from Massachusetts. Does he mean that on that day we shall vote on the question whether we will proceed to the consideration of the bill?

Mr. LODGE. No; I mean that it shall be taken up at 2 o'clock on the 5th day of June, and that makes it the unfinished business.

Mr. SIMMONS. Can we now vote upon what we will do on the 5th day of June?

Mr. LODGE. We can make a unanimous-consent agreement.

The VICE PRESIDENT. The Chair has ruled that either by unanimous consent or by a two-thirds vote the Senate can set the bill for a hearing on the 5th day of June at 2 o'clock, under Rule X. Is there any objection?

Mr. SIMMONS. I have no objection to taking it up on June 5, and I have no objection to taking it up right now. I believe we are ready to take the bill up any time the Senator from Iowa wants to have it taken up.

Mr. KENYON. Does not the Senator think we ought to accommodate other Senators? I would be glad to take it up right now and keep it before the Senate until it has been passed, if it took all summer.

Mr. SIMMONS. I understand the position of the Senator, but he does not seem to be able to understand my position. I can not see, for the life of me, why it is necessary for us now to make a record here making this the unfinished business when we do not intend, and it is declared that we do not intend, to consider it at all during this session. It is simply for the purpose of making it the unfinished business on the record. That is all I can see in it. If there were any doubt about the ability of the Senator, as soon as Congress meets after a recess, or at the regular session, if we adjourn, to get up the bill, I would see no objection to the course which he now seeks to pursue; but I do not see any reason why it should simply be made the unfinished business for the purpose of making a record.

Mr. LODGE. It is not for the purpose of making a record, Mr. President. It is an endeavor to secure the position for this bill which I think practically all Senators desire to secure for it—to make it certain now that at 2 o'clock on the 5th of June we shall take it up. For the reasons stated by the Senator from Iowa it is not possible to deal with the bill between now and the 5th day of June.

We shall, in all human probability, take a recess on the 5th of June. We may not end the session, we may not get an adjournment, but we certainly shall take a recess on that day. By

taking the bill up under a special order at 2 o'clock on that day we make it the unfinished business, and it will come up whenever Congress meets again.

Mr. KENDRICK. Mr. President, I hope that the Senator from North Carolina [Mr. SIMMONS] will not object to the proposed unanimous-consent agreement. The conclusion to consider the bill in this way is something of a compromise growing out of the impossibility of considering it at this session of Congress, without impeding the progress of other legislation. The question of going on record in this way involves another situation, and that is the appeals from different sections of the country to pass this legislation.

Mr. SIMMONS. As the Senator knows, I am as much in favor of this legislation as he is.

Mr. KENDRICK. I do.

Mr. SIMMONS. And he knows that I want to see it given consideration. If the Senator, who is jointly with the Senator from Iowa the author of the bill, wants this action taken, I shall not interpose any objections, but I do want to repeat what I have already said, that I do not see that the matter will be advanced at all by this process.

Mr. KENDRICK. I merely wish to say that this result would be accomplished: There would be a definite notice given to the country that the first thing when we reconvened will be to take this legislation up and consider it, and either act favorably upon it or reject it. That is the object I am anxious to accomplish in reaching this conclusion.

Mr. LENROOT. Mr. President, I would like to suggest to the Senator from North Carolina [Mr. SIMMONS] that another advantage is gained, in that it cuts off debate. If the motion were made when we come back after the recess, it would be debatable, and it might require a great deal of time.

Mr. SIMMONS. There seems to be no debate about the matter now, and no opposition to taking it up. I do not see why the Senator should anticipate any protracted debate after the recess.

Mr. LENROOT. I had in mind the statement made by the Senator from Illinois [Mr. SHERMAN] that if he had to come back, he might talk all summer upon the bill.

Mr. SIMMONS. I suppose he can talk on the bill after the recess, if it is taken up, but not on the motion to take it up. I have not heard him say that he is going to oppose the motion to take it up.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and what is known as the packers bill is made the special order for 2 o'clock on Saturday, the 5th day of June.

The unanimous consent agreement entered into was reduced to writing, as follows:

It is agreed by unanimous consent that at 2 o'clock p. m., on the calendar day of June 5, 1920, the Senate will proceed to the consideration of the bill S. 3944, a bill to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

RUSSIAN RAILWAY SERVICE CORPS.

Mr. WADSWORTH. Mr. President, out of order I ask unanimous consent to present a report from the Committee on Military Affairs. I report from that committee favorably with an amendment the bill (S. 3865) providing for the men and officers in the Russian Railway Service Corps the status of enlisted men and officers of the United States Army when discharged, and I submit a report (No. 637) thereon. I desire to call the bill to the special attention of the Senator from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. Mr. President, I ask unanimous consent for the present consideration of the report just made by the chairman of the Committee on Military Affairs.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, from its title it seems to be an important measure, and I would like to know what it is about before I consent to its consideration.

Mr. POINDEXTER. I will say to the Senator from Utah that it is a measure which was considered this morning by the Committee on Military Affairs, and has the effect of giving to 215 men who comprise the Russian Railway Service Corps, railroad men who were recruited in this country to serve in Siberia on the railroads there, recruited by the War Department, equipped with United States uniforms, the same status as enlisted men and officers of the United States Army as to the benefits of the war-risk insurance and other privileges.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The VICE PRESIDENT. The bill will be placed on the calendar.

TRANSFER OF WAR MATERIAL.

Mr. WADSWORTH. I ask unanimous consent to report from the Committee on Military Affairs the bill (H. R. 13329) to authorize the Secretary of War to transfer certain surplus material, machinery, and equipment to the Department of Agriculture, and for other purposes, and I submit a report (No. 638) thereon. I desire to call the attention of the Senator from North Carolina [Mr. SIMMONS] to the bill.

Mr. KING. I object to its present consideration.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened.

SPANISH WAR AND OTHER PENSIONS.

Mr. NEW. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

Mr. JONES of Washington. I ask the Senator to permit me to present a conference report on the river and harbor bill and have it acted upon.

Mr. NEW. As soon as we get action on my motion I will be very glad to yield for that purpose.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana to proceed to the consideration of House bill 2.

Mr. KING. Mr. President, it seems to me we have more important legislation than that at the present moment, and I hope the bill will not be taken up.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk called the roll.

Mr. MYERS. I notice that the Senator from Connecticut [Mr. McLEAN], with whom I have a pair, is absent. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], who does not appear to be in the Chamber, and I withhold my vote.

Mr. CALDER. I have a general pair with the junior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. MOSES (after having voted in the affirmative). I have a pair with the Senator from Louisiana [Mr. GAY]. I transfer my pair to the Senator from New York [Mr. WADSWORTH] and let my vote stand.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER], but I understand that he would vote "yea" if present. So I will vote. I vote "yea."

Mr. GERRY. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 52, nays 3, as follows:

YEAS—52.

Ashurst	Hale	McKellar	Sheppard
Ball	Harding	McNary	Smith, Ariz.
Borah	Harrison	Moses	Smith, S. C.
Brandegee	Jones, N. Mex.	Nelson	Smoot
Calder	Jones, Wash.	New	Spencer
Capper	Kendrick	Norris	Stanley
Chamberlain	Kenyon	Nugent	Sterling
Curtis	Keyes	Overman	Swanson
Dial	Knox	Page	Townsend
Elkins	Lenroot	Phelan	Trammell
France	Lodge	Pittman	Underwood
Frellinghuysen	McCormick	Poindexter	Walsh, Mont.
Gerry	McCumber	Pomerene	Warren

NAYS—3.
King Myers Thomas

NOT VOTING—41.

Beckham	Glass	McLean	Smith, Ga.
Colt	Gore	Newberry	Smith, Md.
Comer	Gronna	Owen	Sutherland
Culberson	Harris	Penrose	Wadsworth
Cummins	Henderson	Philpotts	Walsh, Mass.
Dillingham	Hitchcock	Ransdell	Watson
Edge	Johnson, Calif.	Reed	Williams
Fall	Johnson, S. Dak.	Robinson	Wolcott
Fernald	Kellogg	Sherman	
Fletcher	Kirby	Shields	
Gay	La Follette	Simmons	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. ASHURST. I offer an amendment to the bill. I ask that it be read.

The PRESIDING OFFICER (Mr. McCORMICK in the chair). The proposed amendment will be read.

The ASSISTANT SECRETARY. On page 3, after line 17, insert a new section, as follows:

SEC. 4. That all Army nurses of the War with Spain, the Philippine insurrection, and the China relief expedition shall be entitled to the benefits of this act.

Mr. JONES of Washington. I desire to present the conference report on the river and harbor appropriation bill. May I ask if the Senator from Indiana will permit the unfinished business to be temporarily laid aside for the consideration of the conference report?

Mr. NEW. I have no objection to the granting of the request. The PRESIDING OFFICER. If there be no objection, the unfinished business will be temporarily laid aside.

RIVER AND HARBOR APPROPRIATIONS—CONFERENCE REPORT.

Mr. JONES of Washington submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 11, 15, 18, 20, 24, 26, 27, 32, 40, 43, 57, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 8, 9, 12, 14, 16, 17, 19, 21, 25, 28, 29, 30, 31, 33, 35, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 62, and 63, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with its insertion on page 10, after line 16; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Sterlings" and insert in lieu thereof the word "Starlings"; and strike out the word "Accomack" and insert in lieu thereof the word "Accomac"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Charlotte Harbor, Fla., with a view to securing a channel of suitable dimensions to Punta Gorda"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Harbor at St. Petersburg, Fla."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Tennessee River and tributaries, in North Carolina, Tennessee, Alabama, and Kentucky"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Pollocksville" in line 4, insert in lieu thereof the word "Pollokville," and transfer the item so amended to page 5, after line 5; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 4 of the amendment strike out the word "deep" and insert in lieu thereof the word "depth";

and in line 18 of the amendment strike out the word "Ceritor" and insert in lieu thereof the word "Cerritos"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "with a view to"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 7 of the proposed amendment strike out the word "appropriation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lines 7 and 8 of the proposed amendment strike out the word "Appropriation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Sec. 6. That the laws of the United States relating to the improvement of rivers and harbors, passed between March 4, 1913, until and including the laws of the third session of the Sixty-sixth Congress, shall be compiled under the direction of the Secretary of War and printed as a document, and that 600 additional copies shall be printed for the use of the War Department."

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "appropriation"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 1.

W. L. JONES,
CHAS. L. McNARY,
JOS. E. RANDELL,
Managers on the part of the Senate.
C. A. KENNEDY,
S. WALLACE DEMPSEY,
THOS. GALLAGHER,
Managers on the part of the House.

Mr. JONES of Washington. I ask for the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I should like to ask the Senator to explain what the particular differences were and what concessions were made by the Senate conferees.

Mr. JONES of Washington. Outside of amendment numbered 1, which covers the amount that is carried in the bill, the other provisions were with reference to surveys. The House conferees receded from most of the surveys. We followed this rule, however, in passing upon provisions for surveys; That where an adverse report had been made upon a proposition within four years, the Senate conferees receded from any provision for a new survey. That, in brief, is the substance of the report.

Amendment numbered 1 covers the amount carried in the bill. There is disagreement over that amendment. We have not agreed on it. When the conference report is agreed to I desire to make a statement with reference to that feature of the bill. The other provisions of the bill, the amendments put on by the Senate looking to contributions, were accepted by the House, and the further amendments of a general character that the Senate put on were accepted by the House. Is there any further information that I can give to the Senator?

Mr. KING. Does the report increase the amount as the bill passed the Senate?

Mr. JONES of Washington. Oh, no; we have not agreed upon the amount at all. That is in disagreement yet, and it is the only amendment that is in disagreement. That is amendment numbered 1. The House passed the bill providing for \$12,000,000, and the Senate increased the amount to \$24,000,000. We have reached no agreement on that.

Mr. KING. Have not the Senate conferees acceded to certain amendments which of necessity would increase the amount of the appropriation above \$12,000,000?

Mr. JONES of Washington. Oh, no; not at all.

Mr. KING. I am very much interested in trying to help the Republicans to practice economy, which some of them do not seem to be very anxious to carry into effect.

Mr. JONES of Washington. The matter of economy is involved in amendment numbered 1.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. JONES of Washington. I move that the Senate further insist upon its amendment numbered 1 and request a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

I desire to make this brief statement before the motion is put. The Senate will remember that the House passed the bill providing for \$12,000,000 and that the Senate committee made its report, recommending that the amount be increased to \$20,000,000. After considerable discussion in the Senate, the Senate agreed to an amendment increasing the amount recommended by the committee from \$20,000,000 to \$24,000,000, and in that form the bill passed the Senate. The conferees have not been able to reach any agreement with reference to the amount. The House Members insist strenuously upon their amount, \$12,000,000. The Senate conferees made a proposal to accept \$18,000,000, but this was not accepted by the House conferees.

Here is the situation: The engineers of the Army came before the Senate Committee on Commerce and very strenuously urged that we should appropriate \$19,000,000 for improvements and \$5,000,000 for maintenance, or \$24,000,000 altogether. They stated positively that they felt they could not get along well with less than that amount of money, and that if Congress appropriated less than that sum of money, either the needs of commerce would suffer or the improvements that were under way would suffer and thereby bring a loss to the Government.

Col. Taylor also stated that the amount on hand the 1st of February was a little over \$36,000,000. According to the statement submitted to the House, on the 1st of November last there was on hand the sum of \$59,000,000 in round numbers. Col. Taylor, as I said, stated that on the 1st of February there was on hand \$36,000,000. The committee inquired rather particularly about that, and we thought we understood the situation. According to that they were spending about \$5,000,000 a month. Col. Taylor went on to say that on the 1st of July we would have about \$12,000,000 or \$13,000,000 on hand. That was based upon the assumption that we would spend \$5,000,000 a month.

When the matter came up in the Senate, of course, these facts were brought out, and I remember stating on the floor that, assuming that to be correct, and if we were to spend at the same rate of \$5,000,000 a month up to the 1st of January, and appropriated \$20,000,000 available the 1st of July, we would have on hand only about \$2,000,000 the 1st of January. Whether that had anything to do with the action of the Senate in increasing the amount to \$24,000,000 I can not say. Before that statement was presented there was very strong argument made for increasing the amount and an amendment was proposed making it \$27,000,000, which, my recollection is, was lost by only two votes. At any rate, I made that statement on the floor.

I understood Col. Taylor's testimony before our committee to mean and to be to the effect that the \$59,000,000 on hand the 1st of November had been reduced to \$36,000,000 on the 1st of February, and that this coming summer and fall the expenditures would at least be equal to what they had been in the few months before, if not more. But after the bill had passed the Senate, in talking with one of the House Members, he made a suggestion that led me to think that possibly we had misunderstood Col. Taylor. I do not think that Col. Taylor intended to mislead us at all, but that we had misunderstood him. So I wrote him a letter asking him further and more particularly as to the amount of money that we had on hand. He wrote me under date of April 10 as follows:

Balance available February 1, 1920, for works of river and harbor improvement, \$36,307,292 (does not include allotments for Wilson Dam and Illinois and Michigan Canal, nor flood-control appropriations).

I was not satisfied with that, and I telephoned him again and told him what I wanted to get was a statement clearly showing the amount of money that was actually unexpended, and in answer I received a letter under date of April 29, 1920, giving me a table showing the amount of money on hand in connection with every project that is under way, the amount of money that has been allotted out of that or under contract, and the amount of money that is unallotted and uncontracted, and this is the showing that that makes: That on the 1st day of April, instead of the 1st day of February, there was on hand for river and harbor improvements under way \$60,005,311.69; that of that there had been allotted or contracted to

be spent \$27,305,253.96, leaving, on the 1st of April, a balance available that has not been contracted, that has not even been allotted, of \$32,750,547.90.

So when I made the statement on the floor of the Senate that since November 1 up to February 1 we had expended at the rate of \$5,000,000 a month I was incorrect. That amount of money had probably been allotted for expenditure or contracts had been made that when completed would involve that amount of expenditure; but, as a matter of fact, they have not been spending even half that amount. I have here a statement, under date of May 4, from the Engineer's office giving the amount of money actually spent per month from July 1 to December 31, 1919, as being \$16,921,692.52, or a little over \$2,000,000 a month. Then in January, 1920, they spent \$2,360,240.63; in February, 1920, they spent \$1,929,334.57; in March, 1920, they spent \$2,393,195.84; and in April they spent a little over \$2,562,000. So they are not now spending in excess of two and a half million dollars a month.

That, Mr. President, is the situation financially. It shows the amount of money that is available during the coming year up to the 4th of next March, and it is assumed that we shall pass a river and harbor bill prior to that time. In view of this showing, the other House is insisting very strongly that the \$12,000,000 provided for in its bill will be amply sufficient to take care of the needs of river and harbor improvements up to the 4th of next March.

Mr. President, I felt that I should make that statement before asking the Senate to further insist upon its amendment and allowing the bill to go back to conference. I desire to assure the Senate, however, that if it does send the bill back to conference the Senate conferees will do the very best they possibly can, in the light of these figures and of this situation, to carry out the wishes of the Senate.

If there be no further suggestions in reference to the matter, I move that the Senate further insists upon its amendment No. 1, request a further conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES of Washington, Mr. McNARY, and Mr. RANDELL conferees on the part of the Senate at the further conference.

OIL LAND LEASING REGULATIONS.

Mr. PITTMAN. Mr. President, I wish to call the attention of the Senate to the rules and regulations which have been promulgated by the Department of the Interior in regard to what is known as the oil-leasing bill. Protests in various form are reaching me from all over the country against those rules and regulations. I have studied them very carefully, and I think in many cases they absolutely nullify the purpose and spirit of the act. I have drawn a brief on the subject, which I have submitted to the Secretary of the Interior, and I desire permission to have it printed in the RECORD, in order that it may reach all of those from whom inquiries have been received concerning the matter and as well be of assistance, perhaps, to Senators who have received similar inquiries.

Mr. LODGE. I think it ought to be incorporated in the RECORD.

Mr. SMOOT. Do I understand the Senator to say that the matter has been approved by the Secretary of the Interior?

Mr. PITTMAN. No. It is a protest to the Secretary of the Interior against the rules and regulations issued by the Department of the Interior as nullifying the purpose of the act. I simply desire to have it printed in the RECORD in order to save correspondence and give each Senator the opportunity to utilize it if he so desires. It is in the form of a brief.

Mr. SMOOT. I think that is all right, Mr. President.

The PRESIDING OFFICER. Without objection, the request of the Senator from Nevada is granted.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., May 26, 1920.

HON. JOHN BARTON PAYNE,

The Secretary of the Interior, Washington, D. C.

SIR: I take the liberty of calling to your attention certain regulations and rulings issued by your department relative to operations under and enforcement of the act of February 25, 1920, Public No. 146, known as the general oil-leasing bill, which, in my opinion, are in conflict with the spirit and purpose of the act, nullifying in their effect, and without and beyond the authority granted your department in the act. I would not impose this additional burden upon you were it not for the fact that this legislation is of vital interest to my constituents and to the whole country.

Under section 19 of the leasing bill prior locators have a right to accept a prospecting permit within six months after the passage of the act, or they may have the option under section 37 of prosecuting their claims to patent under the laws existing prior to the passage of the leasing bill. The period is rapidly approaching when they must exercise their options, and therefore a final ruling upon these matters must be made at an early date or great and irreparable damage will be done to bona fide locators.

Since September 27, 1909, and until the passage of the leasing bill, practically all of the supposed oil lands on the public domain have been withdrawn and withheld from exploration for oil. At the time of the passage of the act the oil situation had become extremely critical, not only in the United States but throughout the world. The purpose of the act was not to retard but to encourage and aid in the exploration for and development of our oil resources.

The authority of the Department of the Interior to make rules and regulations is found in section 32 of the act. It is as follows:

That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

In this brief and argument I will deal only with one regulation. With your permission, I will submit a brief later with regard to other harsh, unreasonable, and restrictive regulations.

Section 37 of the act provides:

That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

The regulation affecting the foregoing exception to the provision of the act is found in paragraph (c) of Regulation VI. It is as follows:

Stated negatively, under this section of the act, the following classes of oil or gas placer locations, so called, notwithstanding absence of fraud and full compliance with law in other respects, may not proceed to patent, viz: (c) Any location on lands not withdrawn, on which, at the date of the act, the claimant had not made discovery or was not in diligent prosecution of work leading to discovery, and does not continue such work with diligence to discovery.

A discovery is not required in either case.

I call particular attention to the conflict between the requirements of the act and the requirements of the regulation. Under the requirements of the act all that is necessary is that the claim shall have been located and maintained in accordance with the then existing law governing placer mining locations and shall be so maintained until a discovery is made. The regulation goes further and adds the additional requirement not provided in the placer law, namely, that the locator must have been in the diligent prosecution of work leading to such discovery and must continue such work from and after the passage of the leasing bill with diligence to discovery. It is this requirement of diligence before and after the date of the passage of the leasing bill that places a burden and obligation upon the locator not required under the general placer mining law nor required under the terms of the leasing bill. It was this requirement of diligence under the Pickett Act and the harsh and unreasonable construction that was given to such provision that resulted in the notorious injustice perpetrated upon locators of placer oil claims embraced in the withdrawal of 1909. But in such cases the Department of the Interior did not read into the act the word "diligence," because the Pickett Act itself contained such provision. The Pickett Act, however, was remedial legislation and was intended solely to relieve locators whose claims had been brought within a withdrawn area after location but prior to a discovery.

The regulation that I am now attacking does not deal with lands within any withdrawn area but with mining locations upon the nonwithdrawn public lands, which were at all times prior to the passage of the leasing bill, on February 25, 1920, open to location and exploration for oil under the general placer mining act of 1872 and the amendments of 1874, 1876, and 1897. In none of the acts to which I have referred is there any requirement that the locator shall be diligent in the prosecution of his work.

Section 2319, Title XXXII, chapter 6, of the Revised Statutes, setting forth the act of 1872, provides:

All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase.

In section 2324 of the same act we find the following:

The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located

by reference to some natural object or permanent monument as will identify the claim. On each claim located after the 10th day of May, 1872, and until a patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year.

The Federal law also recognizes the rules and regulations provided by State laws not in conflict with the Federal laws.

In section 2329 of the same act we find the following:

Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims.

Prior to February 11, 1897, oil locations were made under the placer act. Certain decisions of the courts threw doubt upon the applicability of the placer act to the location and acquisition of oil lands. Therefore, on February 11, 1897 (29 Stat., 526), an act was passed and approved expressly providing for the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

In this act there is no requirement for diligent prosecution of work.

Such are the laws applicable to mining locations made prior to the passage of the leasing bill, and which locations are excluded from the operations of said act by its express terms. Under such laws there are certain essential acts of a placer-mining location, namely:

- (a) The posting of the notice of the claim upon the ground.
- (b) The marking of the boundaries so that they may be readily traced upon the ground.
- (c) The performance of work upon each claim annually of a value of not less than \$100.
- (d) A discovery of the mineral.
- (e) Recording notice of location where required by State laws.

In *Mining Co. v. Tunnel Co.* (196 U. S., 348) the court quotes the following opinion with approval:

The order of time in which these several acts are performed is not of the essence of the requirements, and it is immaterial that the discovery was made subsequent to the completion of the acts of location, provided only all the necessary acts are done before intervening rights of third parties accrue. All these other steps having been taken before a valid discovery, and a valid discovery then following, it would be a useless and idle ceremony, which the law does not require, for the locators again to locate their claims and refile their location certificate or file a new one.

Let me call to your attention that as far as requirement (c) is concerned, it has been held by the Department of the Interior and by the courts that this work need not be performed actually upon the claim; that it may be any kind or character of work that is essential for the prosecution of the work looking to a discovery or the mining of the mineral. For instance, it has been held time and again that the building of a road or a trail to the property where such road or trail was necessary did constitute the work required under the statute.

The act, in speaking of "valid claims existent at date of passage of this act," can have but one meaning and that is valid by reason of a compliance with the then existing law with the exception of the discovery, because in the same sentence it provides "which claims may be perfected under such laws, including discovery."

There is but one question with regard to this regulation and that is not a question of discovery but a question as to whether or not the Interior Department has the authority under the leasing bill to require more of the locator than is required under existing law applicable to mining locations on nonwithdrawn public domain. There is nothing in these acts that requires or even mentions diligence or that requires more than \$100 worth of work annually. The acts essential to the valid location and maintenance of a mining claim under the general placer-mining laws have been adjudicated and are understood by miners.

What is meant by "diligent prosecution of work" is unknown. It depends for its construction upon the whim of the Commissioner of the General Land Office or some other officer of the Department of the Interior. The same provision in the Pickett Act was so construed by the Department of the Interior as to practically nullify the act in many cases.

What encouragement or hope may be held out to the prospector or explorer if, after the expenditure of all his means and the suffering of years of toil, he can be cut off like hay by a retroactive law or departmental ruling? Such was not the intention of Congress in the enactment of the leasing bill of February 25, 1920. Congress had become fully cognizant of the injustices done under the Pickett Act of 1910, through the technical construction of the same clause with regard to diligence that is contained in the regulation I am attacking. Having this in mind, Congress purposely omitted from the saving clause contained in section 37 the provisions with regard to diligence that were contained in the Pickett Act of 1910.

Let us see what the Pickett Act of 1910 is, because it was from the Pickett Act that the drafter of these regulations undoubtedly

obtained the suggestion for the requirement of diligence in the prosecution of work looking to discovery before and after the passage of the leasing bill. The Pickett Act was approved June 25, 1910 (36 Stat., 849). It provides:

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States—

And so forth. And then there is found in section 2 of said act the following proviso:

Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas-bearing lands, and who at such date is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work.

It will be noted that the drafter of the regulations has taken the proviso from the Pickett Act. In other words, he is attempting by regulations to substitute the Pickett Act for the general placer-mining acts.

The locator or claimant referred to in the Pickett Act had been deprived of the privilege of prosecuting his work to a discovery by the withdrawal of the land from entry under the mining laws. It was an act that dealt solely with withdrawn lands, with lands that the Government had designated as probable oil-bearing lands. The Pickett Act had nothing to do with the nonwithdrawn public lands of the United States which our Government did not consider of sufficient prospective value to withdraw.

The locations referred to in section 37 of the leasing bill and in the regulation with regard to said section, are the latter classes of land and not such lands as were provided for under the Pickett Act. The drafter of the regulation evidently has not drawn this distinction. The drafter of the regulation was evidently of the opinion that the Pickett Act applied to locations referred to and excepted in section 37 and therefore required that the discovery work upon such locations should be prosecuted with the diligence required in the Pickett Act. The most casual examination of the Pickett Act will clearly disclose to any careful lawyer that it was a special act dealing with a special situation and not applicable to the character of locations excepted from the provisions of the leasing bill under section 37.

It must be fundamental that the Department of the Interior, in its rules and regulations, can not require more of a locator than is required in the law.

In conclusion, let me respectfully suggest that it is to the vital interest of our country that new oil structures be discovered. Those prospectors and explorers who were willing to go upon the public domain outside of the withdrawn areas and beyond the districts where the Geological Survey after years of investigation had designated as possible oil lands, and who attempted, without the aid of the Government and through their own adventurous spirits, to discover and produce and add to one of the vital powers of our Government should be encouraged in every way and not hampered and retarded by unnecessary, harsh, and restrictive regulations.

Respectfully submitted.

KEY PITTMAN.

PURCHASE OF SILVER.

Mr. PITTMAN. Mr. President, I also ask to have printed in the RECORD a memorandum from the Director of the Mint and a copy of a telegram sent by him to the superintendent of the mint at Denver with regard to the purchase of silver under the Federal silver act; also, a copy of a telegram sent by me to the secretary of the Nevada Mine Operators' Association. They are very short.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

TREASURY DEPARTMENT.

OFFICE OF DIRECTOR OF THE MINT,
Washington, May 24, 1920.

Memorandum for Senator PITTMAN.

Section 3519, Revised Statutes, provides:

* * * It shall be lawful, however, to refuse any deposit of less value than \$100 or any bullion so base as to be unsuitable for the operations of the mint.

The existing regulations of the mint and assay service provide that "bullion containing 800 or more parts in 1,000, by assay, of base metals shall be refused."

The regulations also provide that "bullion containing 1 part in 1,000, by assay, of gold shall be classed as gold bullion."

The following is a copy of the telegram sent the superintendent of the mint at Denver under date of May 20:

Replying to your telegram, silver contained in gold deposits which can be covered by certificates as to origin and treatment paid for at \$1. The deposit, however, subject to regular charges.

M. M. O'RIELLY.

[Copy—Western Union telegram.]

WASHINGTON, D. C., May 24, 1920.

HENRY M. RIVES,
Secretary Nevada Mine Operators' Association,
Reno, Nev.:

Certain newspapers throughout the country are publishing statement to effect that mints would only accept refined silver under the Pittman Act. This is not true. The mint will accept the ordinary bullion bars as they come from mills and smelters, as it has heretofore done. If bullion contains one one-thousandth part gold, it is termed gold deposit, and the silver in such gold deposit, no matter how small or large in quantity it may be, will be paid for at the rate of a dollar an ounce for each ounce therein contained of pure silver, or what is termed pure silver, nine hundred and ninety-nine one-thousandths pure. If the bullion contains no gold but contains six hundred one-thousandths silver, then it will be accepted as a silver deposit and paid for in same way. The expression in act, "1,000 fine," measures price paid for silver in bullion and does not control purity or kind of bullion received. Mints will charge small separation charge—that is, separation of silver from other metals in bullion—but this charge is always made by smelters at present time. I have had this matter up with Director of Mint, and he has given orders in accordance herewith to all mints receiving silver under Pittman Act. Under the misconception of act that I have referred to it was charged that only refiners could take the benefit of act. This, of course, under proper construction, which I have given, is not true. In fact, under Pittman Act the necessity of sending silver to smelters and refineries is entirely eliminated. By reason of publication of Government's intentions under Pittman Act silver has already gone up above a dollar an ounce. Such misconstructions and misunderstandings as I have referred to must be publicly corrected or they will be used for purpose of deceiving producers of silver and of bearing its price. Such misconstructions will also be used, unless publicly and completely contradicted, to assist in propaganda for repeal of Pittman Act. As long as such act remains on statute books, and I can guarantee that it will not be repealed so long as present rules of Senate exist, American silver will not sell below a dollar an ounce.

KEY PITTMAN.

ARMENIAN MANDATORY.

Mr. LODGE. Mr. President, I desire to give notice that tomorrow, immediately after the conclusion of the morning business, I shall ask the Senate to consider what is known as the Armenian resolution in regard to the mandate over Armenia. I do not wish to interfere with the pending bill at all, but it is now only 20 minutes past 3 o'clock, and I do not see why that bill should not be disposed of this afternoon, which will permit us to adjourn until tomorrow, when I may ask that the resolution referred to be taken up for consideration immediately after the morning business.

SPANISH WAR AND OTHER PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona [Mr. ASHBURST].

Mr. KING. Mr. President, I will ask the Senator from Massachusetts if it will not be agreeable to him to take a recess at this time until 12 o'clock tomorrow, with the understanding that the bill of which the Senator from Indiana is in charge shall be disposed of within an hour thereafter?

Mr. LODGE. If a time can be fixed for taking a vote on the pension bill, I shall be very glad to make such an arrangement.

Mr. KING. So far as I know the Senator from Colorado [Mr. THOMAS] and myself are the only Senators who will submit any observations upon the measure, and I am sure that we will not consume more than an hour.

Mr. LODGE. If we could meet at 11 o'clock and allow the pension bill the time until 1 o'clock, would that suit the Senator?

Mr. KING. Yes.

Mr. NEW. I suggest that we agree to vote on the pension bill at not later than 1 o'clock.

Mr. LODGE. That at not later than 1 o'clock the vote shall be taken on the pending bill.

The PRESIDING OFFICER. Does the Senator from Massachusetts make such a request for unanimous consent?

Mr. LODGE. Yes; I ask unanimous consent to that effect.

The PRESIDING OFFICER. Will the Senator from Massachusetts state the request for unanimous consent?

Mr. LODGE. I ask unanimous consent that at not later than 1 o'clock p. m. to-morrow, May 29, the Senate shall vote without further debate on House bill No. 2, being what is commonly known as the Sells bill, to pension the veterans of the Spanish War, the Philippine Insurrection, and the China relief expedition, with the usual provision in regard to amendments pending or which may be offered.

The PRESIDING OFFICER. Is there objection?

Mr. LODGE. Mr. President, I think, under the rule, we will have to have a quorum call before the proposed unanimous-consent agreement can be entered into.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Brandegee	Kendrick	Nugent	Smith, Md.
Capper	King	Overman	Smith, S. C.
Chamberlain	Lenroot	Page	Smoot
Curtis	Lodge	Phelan	Spencer
Elkins	McCormick	Pittman	Sterling
France	McNary	Poindexter	Swanson
Frelinghuysen	Moses	Ransdell	Thomas
Gerry	Nelson	Sheppard	Townsend
Harrison	New	Simmons	Underwood
Jones, Wash.	Norris	Smith, Ga.	Walsh, Mont.

Mr. GERRY. The Senator from Arkansas [Mr. ROBINSON] and the Senator from Nebraska [Mr. HITCHCOCK] are absent on official business.

Mr. CURTIS. I wish to announce the absence of the Senator from Maine [Mr. HALE] on official business.

The PRESIDING OFFICER. Forty Senators having answered to their names, there is not a quorum present. The Secretary will call the names of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. STANLEY, Mr. SUTHERLAND, Mr. TRAMMELL, Mr. WADSWORTH, Mr. WALSH of Massachusetts, and Mr. WARREN answered to their names when called.

Mr. FALL, Mr. KENYON, Mr. JONES of New Mexico, Mr. POMERENE, Mr. BALL, Mr. GLASS, Mr. HARDING, Mr. KEYES, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, there is a quorum present. The Senator from Massachusetts asks that unanimous consent be given that at not later than 1 o'clock p. m. on the calendar day of Saturday, May 29, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, through the regular parliamentary stages to its final disposition. Is there any objection?

Mr. POINDEXTER. Mr. President, pending the giving of consent to that request I want to call attention to H. R. 5218, a bill to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States. That bill has passed the House, and has been considered and reconsidered in the Finance Committee of the Senate. It has been reported without amendment. It has been discussed considerably among Senators, and, according to the best information that I can get, would not involve a great amount of discussion upon the floor of the Senate if it were brought up for a vote.

Mr. THOMAS. Mr. President, it is my duty to undeceive the Senator as to that impression.

Mr. POINDEXTER. I understood that the Senator from Colorado was not going to be so severe on this bill as he has been on some of these other tariff measures.

Mr. THOMAS. The Senator from Colorado is obliged to be consistent during the rest of his term.

Mr. POINDEXTER. I give notice, for the benefit of the Senators who are interested in the bill, that on Monday morning, at the conclusion of the morning business, or as soon thereafter as I can get an opportunity, I shall move to proceed to the consideration of this bill.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Massachusetts [Mr. LODGE]? The Chair hears none, and it is so ordered.

The unanimous-consent agreement entered into was reduced to writing, as follows:

It is agreed by unanimous consent that at not later than 1 o'clock p. m., on the calendar day of Saturday, May 29, 1920, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 2, a bill to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, through the regular parliamentary stages to its final disposition.

WATER-POWER DEVELOPMENT.

Mr. JONES of Washington. Mr. President, I have a concurrent resolution that I desire to offer, and I ask for its immediate consideration. It was the intention to have the resolution offered and passed first by the House, but conditions there seem to be such that there is doubt that it can be acted upon. It is a concurrent resolution authorizing, in the enrollment of the water-power bill, the insertion of a provision to the effect that the short title of the act shall be "The Federal water-power act." The conferees felt that that ought to go in, but we had no authority to do it, and so we did not run the risk of a point of order. Then the concurrent resolution also amends the title. The title, strange to say, had a duplication that was not observed until it had passed both Houses and gone into conference, and we simply ask to correct the title.

I ask unanimous consent for the present consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there any objection?

The concurrent resolution (S. Con. Res. 28) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 3184) entitled "An act to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes,' and for other purposes," the clerk be, and he is hereby, authorized and directed to add a new section, to be known as section 30, and to read as follows:

"Sec. 30. That, the short title of this act shall be 'The Federal water-power act.'"

Also to amend the title to read as follows: "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes."

SPANISH WAR AND OTHER PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Arizona [Mr. ASHURST] to House bill 2.

Mr. THOMAS. I supposed that bill had gone over

Mr. NEW. Mr. President, as I understand, the consideration of that bill goes over until to-morrow under the unanimous-consent agreement.

Mr. LODGE. No.

The PRESIDING OFFICER. No; under the request of the Senator from Massachusetts the pending business is House bill 2. It was agreed merely that the vote upon the so-called Armenian resolution should follow the vote as fixed by the unanimous-consent agreement.

Mr. KING. Mr. President, the understanding was—

Mr. LODGE. Mr. President, I think that is not quite correct. The unanimous-consent agreement was simply that the vote should be taken on the pending bill, the Sells pension bill, at 1 o'clock to-morrow.

Mr. THOMAS. And amendments.

Mr. LODGE. And amendments. That has been agreed to. I gave notice before that that I should ask the Senate to take up the Armenian mandate resolution immediately afterwards. That was simply a notice. There was no agreement about it.

Mr. KING. Mr. President, the understanding which I had with the Senator from Massachusetts and the Senator from Indiana was that we would not proceed further with the so-called Sells pension bill this afternoon, but that it would be taken up at 11 o'clock to-morrow morning.

Mr. NEW. Mr. President, in order that there may be no misunderstanding, I will state that it was my understanding with the Senator from Massachusetts and the Senator from Utah that the unanimous-consent agreement carried with it the suspension of consideration of this measure until to-morrow morning, when it would be taken up as the unfinished business and voted on at 1 o'clock.

Mr. CURTIS. Mr. President—

Mr. LODGE. Mr. President, that understanding was not covered by the unanimous-consent agreement. It is perfectly easy, if that is the understanding among those who are particularly interested in the Sells bill, to ask now that it be temporarily laid aside.

Mr. NEW. Then, Mr. President, I ask that House bill No. 2, which is the unfinished business, be temporarily laid aside.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

LEAGUE OF NATIONS.

Mr. SPENCER. Mr. President, I ask that the letter which I send to the desk, addressed to me, from the Washington Central Labor Union, be printed in the RECORD without reading. There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON CENTRAL LABOR UNION,
May 24, 1920.

HON. SELDEN P. SPENCER,

United States Senate, Washington, D. C.

SIR: In reply to yours of May 14, 1920, in regard to text of resolution passed by Washington Central Labor Union instructing its delegate to the American Federation of Labor convention to be held in Montreal, Canada, to oppose any advocacy of the League of Nations, I may state that there was no such resolution passed by the Washington Central Labor Union.

At the regular meeting of the Washington Central Labor Union Monday, May 10, 1920, a motion was adopted by the body to instruct the delegate to the American Federation of Labor convention not to vote for the indorsement of the League of Nations without reservations.

I am not in a position to state whether any other central labor union has taken like action.

Hoping that the information herein contained will be satisfactory, and desiring to be of further service to you at any time, I remain,

Very truly, yours,

[SEAL.]

FRANK J. COLEMAN,
Secretary.

CUSTER STATE PARK GAME SANCTUARY.

Mr. STERLING. I should like to call attention to H. R. 11398, a bill for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes, and to ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there any objection?

Mr. KING. I object.

The PRESIDING OFFICER. The Senator from Utah objects.

PERSONAL EXPLANATION.

Mr. SHEPPARD. Mr. President, I rise to a question of personal privilege.

I have noted that certain newspapers in Texas are giving currency to an erroneous report regarding my recent remarks on the prohibition brief filed by the State of New Jersey before the United States Supreme Court. This report is to the effect that I was compelled to apologize for those remarks. Nothing could be further from the truth. I was not compelled to do anything or to say anything in connection with the matter. What I did say was on my own initiative and of my own volition, solely with a view to clarifying my meaning and not by way of apology.

I withdrew a portion of my remarks on the day after they were made because I did not want anything I had said to remain in the RECORD that might be susceptible of a construction that reflected in any way on any State or any Senator.

I wish to add that it is still my belief that governments derive their just powers from the consent of the governed, and that any contention to the effect that the governed can not change, alter, or amend their government tends in the last analysis to precipitate anarchy, chaos, and revolution.

NATIONAL PROHIBITION ENFORCEMENT ACT.

Mr. STERLING. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4296) to confer upon the Territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act, and I submit a report (No. 640) thereon. I call the attention of the Senator from Texas [Mr. SHEPPARD] to the bill.

Mr. SHEPPARD. Mr. President, I want to say to the Senate that at present all process in these prohibition cases in the various islands composing the Hawaiian group must be made returnable to Honolulu and probably one or two other larger places. This imposes great hardship on all concerned, and often results in a failure of justice. The object of this bill is to confer jurisdiction on the local courts in the various islands, in order that the cases may be tried before the local magistrates. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That there is conferred upon the Territorial magistrates and courts of the Territory of Hawaii jurisdiction, concurrent with the commissioners and courts of the United States for said Territory, of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they now have over other criminal offenses within their jurisdiction.

Sec. 2. That this act shall take effect and be in force from and after its passage and approval.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF VOCATIONAL REHABILITATION ACT.

Mr. SMITH of Georgia. I wish to call attention to H. R. 12266, a bill to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919.

This is a bill, which has passed the House, to add \$20 a month to the support of the injured soldiers who are taking vocational rehabilitation. The evidence before the House committee showed clearly that it was utterly impossible for these men to pay their expenses on the \$80 a month now allowed them; and the House, practically by a unanimous vote, has increased the compensation \$20 per month.

I ask unanimous consent that we take up the bill for consideration.

Mr. THOMAS obtained the floor.

Mr. SMOOT. Mr. President—

Mr. THOMAS. I yield to the Senator from Utah.

Mr. SMOOT. When we reached this bill on the calendar the last time the senior Senator from Wyoming [Mr. WARREN] objected to its consideration. I know that the Senator from Wyoming is very much interested in this bill, and in his absence I could not allow it to be taken up.

Mr. THOMAS. Mr. President, my purpose in rising also was to announce that the junior Senator from Utah [Mr. KING] desires to be heard on this bill. He has just gone home because of illness, and for that reason I should have to object to unanimous consent.

Mr. SMITH of Georgia. Then, Mr. President, I will not move at this time that the bill be taken up, but I shall move at the earliest opportunity to take it up. I think the Senator from Wyoming will have his objection to the bill almost entirely relieved. I do not think there will be any further objection from him. I hope there will not be.

Mr. SMOOT. There will be, unless there are some changes in it from day before yesterday.

Mr. SMITH of Georgia. It is since day before yesterday that the subject has been discussed with him. I hope he will not object further; but whether he does or not, I intend to press the bill after to-day at the first time possible.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Order of Business No. 493. I will state that that is where the Senate left off the last time the calendar was under consideration.

The PRESIDING OFFICER. Is there any objection?

Mr. SMITH of South Carolina. Mr. President, as I understand, the request is that we consider the unobjected bills?

Mr. SMOOT. Yes; beginning with Order of Business 493, where the Senate left off the last time the calendar was up for consideration.

The PRESIDING OFFICER. The Chair hears no objection. The Secretary will state the first bill on the calendar beginning at the point named.

CLAIMS OF PONCA TRIBE OF INDIANS.

The bill (S. 804) authorizing the Ponca Tribe of Indians, residing in the States of Oklahoma and Nebraska, to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, after line 4, to insert: "Provided also, That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said tribe of Indians"; in line 10, after the word "begun," to insert "within five years from the passage of this act"; in line 14, after the words "Ponca Tribe," to insert "employed under contract approved

by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by existing law"; and in line 22, after the word "Indians," to insert "not to exceed 10 per cent of the amount of the judgment the court may render in favor of said Indians," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska may have against the United States shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the cause upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Ponca Tribe and of the United States in the premises: *Provided also,* That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said tribe of Indians, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Ponca Tribe of Indians as parties plaintiff and the United States as the party defendant. The petition or petitions may be verified by the attorney or attorneys employed by the Ponca Tribe, employed under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by existing law, upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided,* That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the said Ponca Tribe of Indians, not to exceed 10 per cent of the amount of the judgment the court may render in favor of said Indians, and the same shall be paid out of any sum or sums found due said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1519) making appropriations for expenses incurred under the treaty of Washington was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3251) granting longevity pay from and including August 5, 1917, to certain officers and enlisted men was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3318) for the relief of Willis B. Cross was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 515) to correct the military record of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8038) to amend section 4 of the act approved July 17, 1916, known as the Federal farm-loan act, extending its provisions to Porto Rico, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4076) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, providing that the supervising inspectors of the Steamboat-Inspection Service be included under the classified civil service, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2903) to provide that robbery of a Federal reserve bank or a member bank shall constitute a felony, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER (Mr. STERLING in the chair). The bill will be passed over.

The bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2279) to authorize the addition of certain lands to the Humboldt National Forest was announced as next in order.

Mr. SMITH of South Carolina. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RAILROAD LOANS.

The bill (S. 4373) to amend sections 207 and 210 of the transportation act, 1920, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That paragraphs (a) and (b) of section 207 and paragraphs (a), (b), and (c) of section 210 of the transportation act, 1920, approved February 28, 1920, are hereby amended so as to read as follows:

"SEC. 207. (a) As soon as practicable after the termination of Federal control the President shall ascertain (1) the amount of the indebtedness of each carrier to the United States which may exist at the termination of Federal control incurred for additions and betterments made during Federal control and properly chargeable to capital account; (2) the amount of indebtedness of such carrier to the United States otherwise incurred; and (3) the amount of indebtedness of the United States to such carrier arising out of Federal control. The amount under clause (3) may be set off against the amount under clause (2), so far as deemed wise by the President, but only to the extent permitted under any contract now or hereafter made between such carrier and the United States in respect to the matter of Federal control, or, where no such contract exists, to the extent permitted under paragraph (b) of section 7 of the standard contract between the United States and the carriers relative to deductions from compensation: *Provided*, That such set-off shall not be so exercised as to prevent such carrier from having the sums required for interest, taxes, and other corporate charges and expenses referred to in paragraph (b) of section 7 of such standard contract accruing during Federal control and also the sums required for dividends declared and paid during Federal control, including also, in addition, a sum equal to that proportion of such last dividend which the period between its payment and the termination of Federal control bears to the last regular dividend period: *And provided further*, That such right of set-off shall not be exercised unless there shall have first been paid sums, in addition, as may be necessary to provide the carrier with working capital in amount not less than one twenty-fourth of its operating expenses for the calendar year 1919.

"(b) The indebtedness of the carrier to the United States, incurred for additions and betterments made during Federal control and properly chargeable to capital account, shall, at the request of the carrier, be funded for a period of 10 years from the termination of Federal control, or a shorter period, at the option of the carrier, with interest at the rate of 6 per cent, payable semiannually, subject to the right of such carrier to pay on any interest payment day the whole or any part of such indebtedness. The funding of such indebtedness shall be in such form and upon such terms as the President may prescribe, for the reasonable assurance of the payment of the same to the United States.

"SEC. 210. (a) For the purpose of enabling carriers by railroad subject to the interstate commerce act properly to serve the public during the transition period immediately following the termination of Federal control, any such carrier may, at any time after the passage of this act, and before the expiration of two years after the termination of Federal control, make application to the commission for a loan from the United States to meet its maturing indebtedness, or to provide itself with equipment or other additions and betterments, setting forth the amount of the loan; the term for which it is desired; the purpose of the loan and the use to which it will be applied; the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard; the character and value of the security offered; and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts in detail as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for, and the ability of the applicant to make good the obligation as the commission may deem pertinent to the inquiry.

"(b) If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan by the United States for one or more of the aforesaid purposes is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant, and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and to meet its other obligations in connection with such loan, the commission shall certify to the Secretary of the Treasury its findings of such facts; also the amount of the loan which is to be made; the time, not exceeding 15 years from the making thereof, within which it is to be repaid; the terms and conditions of the loan, including the security to be given for repayment; that the prospective earning power of the applicant, together with the character and value of the security offered, furnish, in the opinion of the commission, reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and reasonable protection to the United States; and that the applicant, in the opinion of the commission, is unable to provide itself with the funds necessary for the aforesaid purposes from other sources.

"(c) Upon receipt of such certificate from the commission, the Secretary of the Treasury shall immediately, or as soon as practicable, make a loan of the amount recommended in such certificate, out of any funds in the revolving fund provided for in this section, and accept the security prescribed therefor by the commission. All such loans shall bear interest at the rate of 6 per cent per annum, payable semiannually to the Secretary of the Treasury, and to be placed to the credit of said revolving fund. The form of obligation to be entered into shall be prescribed by the Secretary of the Treasury, but the time, not exceeding 15 years from the making thereof, within which such loan is to be repaid, the security which is to be taken therefor, and the terms and the conditions of the loan, shall be in accordance with the findings and the certificate of the commission."

Mr. UNDERWOOD. One of the sections of the bill has already been passed. I think the other section has been unanimously agreed to by the Committee on Interstate Commerce, and I see no reason why it should not be passed.

Mr. POINDEXTER. I understand that one section was incorporated in the sundry civil appropriation bill.

Mr. UNDERWOOD. I have just called the attention of the Senate to that fact.

Mr. POINDEXTER. I should think the appropriate thing to do would be to strike out that section.

Mr. UNDERWOOD. The Senator is probably right about that, as the sundry civil appropriation bill will undoubtedly pass. Therefore I ask that "section 210," the second part of the bill, be stricken out.

Mr. SMITH of South Carolina. If the Senator from Alabama will allow me, it will not complicate anything to allow it to pass just as it is, because final action has not been taken on the sundry civil appropriation bill.

Mr. UNDERWOOD. I agree with the Senator.

Mr. SMITH of South Carolina. I think we had better just let it pass.

Mr. UNDERWOOD. I withdraw the motion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 974) for the relief of W. T. Dingler was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4184) for the relief of C. V. Hinkle was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11984) to increase the force and salaries in the Patent Office, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS AT LOS ANGELES, CALIF.

The bill (H. R. 406) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 2, line 15, after the word "maintaining," to insert the word "such"; on line 17, after the words "Los Angeles," to insert the words "as have been heretofore constructed"; on page 3, line 13, after the word "State" and the comma, to insert the words "or to any lands which may be found to have been illegally purchased from the United States by said city, or to any lands the title to which was on the 31st day of October, 1919, or is now forfeitable to the United States by force of any act of Congress"; on page 5, after the word "heard" and the comma, to strike out the words "and upon notice by the city within 90 days of such possible conflict"; on line 13, after the word "city," to insert the words "and for which application is filed by said city within 90 days of notice of the possibly conflicting application"; on line 20, after the word "way," to insert the words "including rights of way for roads"; on page 7, line 7, after the word "city," to insert the words "and the consideration and adjudication of such applications by the department having jurisdiction thereof shall be wholly upon the merits of such applications, unaffected by any possible conflict with the plans of said city"; and, on line 24, after the word "act," to insert the following additional proviso: "*And provided further*, That any approval of rights of way for reservoir purposes for the storage of water for use in whole or in part for the generation of electric power under the provisions of this act shall contain the express condition that such reservoirs shall not, without the consent of the parties having irrigation rights which would be affected by such storage, be used in such manner as will interfere with the use of such stored water for irrigation purposes unless provision shall be made by said city for secondary storage for such irrigation use," so as to make the bill read:

Be it enacted, etc., That section 1 of an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That there is hereby granted to the city of Los Angeles, Calif., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Mono, Inyo, Kern, and Los Angeles, State of California, and over and through the Inyo and Santa Barbara National Forests, and that portion of the Angeles National Forest situate and lying west of range 6 west, San Bernardino meridian, as established by the United States public land survey, and that portion of the Sequoia National Forest east of the crest of the Sierra Nevada Mountains, in said State, for the purpose of constructing, operating, and maintaining such canals, ditches, pipes and pipe lines,

flumes, tunnels, and conduits for conveying water to the city of Los Angeles as have been heretofore constructed, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water power and electric plants whenever said city shall have filed as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth: *Provided, however*, That the grant hereby made shall not apply to lands located in the drainage basin of Kern River or in that portion of Mono County lying north and west of the Owens River drainage basin, and embracing Mono Lake drainage basin and Adobe Valley and Black Lake drainage basin, or to lands located upon Bishop Creek or its branches in Inyo County, or to lands in the Fish Slough Reservoir site in the counties of Inyo and Mono, in said State, or to any lands which may be found to have been illegally purchased from the United States by said city, or to any lands the title to which was on the 31st day of October, 1919, or is now forfeitable to the United States by force of any act of Congress."

SEC. 2. That section 2 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 2. That on or before the 31st day of December, 1922, the city of Los Angeles shall file with the register of the United States land offices in the districts where the lands traversed by said rights of way are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act, and there shall also be filed within that time all desired changes of location, the amended map or maps necessary to show such changes of location to be filed in the same manner and subject to the same approval as are the original map or maps of location, but no construction work shall be commenced on any of said lands until the map or maps have been filed as herein provided and until said map or maps and the proposed plan of development have been approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of any amended map or maps showing changes of location of said rights of way shall operate as an abandonment ipso facto by the city of Los Angeles, to the extent of such change or changes, of the rights of way indicated on the original map or maps: *Provided*, That any rights inuring to the city of Los Angeles under this act shall, on approval by the Secretary of the Interior of the map or maps and the plan of development referred to, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein: *Provided*, That during the period allowed the city of Los Angeles, for filing maps or applications under this act, the head of the department having jurisdiction over the lands, may grant easements or permits for rights of way, under any act of Congress now in force or hereafter enacted, for pipes, pipe lines, canals, ditches, flumes, tunnels, or reservoirs for the conveyance, delivery, or storage of water for irrigation, mining, or domestic purposes, or for the generation of electric power, including rights of way for the construction of power plants, towers, transmission and distribution lines, for the generation and delivery of electricity, if after affording the city an opportunity to be heard, such head of department shall find that the easement or permit may be granted without destruction of or material interference with the works constructed or proposed to be constructed by the city and for which application is filed by said city within 90 days of notice of the possibly conflicting application: *Provided further*, That all rights of way herein and hereby granted and all other rights of way hereafter granted under general laws, for the purposes herein enumerated, over lands within the operation of this act, shall be with the reservation of the power to thereafter grant other rights of way, including rights of way for roads, by easement or permit, conflicting with such prior grants or permits for the purpose of permitting crossing of rights of way or for limited distances necessary common use of prior rights of way, under such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works of prior grantees or permittees."

SEC. 3. That section 3 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however*, That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant: *Provided*, That the lands affected hereby shall in accordance with existing law continue to be subject to applications for homesteads, for rights of way for canals, ditches, or reservoirs, for the conveyance, delivery, or storage of water for irrigation, if same be filed in the proper United States land office prior to the filing of maps by the city of Los Angeles, showing the boundaries, location, and extent of the rights of way sought by said city, and the consideration and adjudication of such applications by the department having jurisdiction thereof shall be wholly upon the merits of such applications, unaffected by any possible conflict with the plans of said city: *And provided further*, That the grant hereby made shall not apply to any lands or rights of way included in any application filed by, and thereafter approved to, any person or corporation for the development and transmission of hydroelectric power in connection with any project upon which actual construction work was being performed prior to June 30, 1906, on that portion of Owens River lying above the confluence of Rock Creek and said river, and locally known as Owens River Gorge, and upon which portion construction work may have been carried on continuously since that date: *Provided*, That such applications for rights of way over or the right to use lands shall be filed within six months from the date of the passage of this act: *And provided further*, That any approval of rights of way for reservoir purposes for the storage of water for use in whole or in part for the generation of electric power, under the provisions of this act,

shall contain the express condition that such reservoirs shall not, without the consent of the parties having irrigation rights which would be affected by such storage, be used in such manner as will interfere with the use of such stored water for irrigation purposes, unless provision shall be made by said city for secondary storage for such irrigation use."

SEC. 4. That section 5 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of, subject to such easements: *Provided, however*, That if the construction of said waterworks shall not have been begun in good faith within five years of the date of the approval of this act, then all rights hereunder shall be forfeited to the United States: *And provided further*, That if any power or electric works or structure to be used in connection therewith shall not be completed within five years after approval of the map or maps of rights of way for such works or structure as herein provided, or within such additional time as the Secretary of the Interior shall, in his discretion, grant, then such rights herein granted shall be forfeited as to any uncompleted portion of such works or structure, to the extent that the same is not completed at the date of the forfeiture."

SEC. 5. That said act entitled and approved as aforesaid be, and the same is hereby, amended by adding a new section thereto to read as follows:

"SEC. 8. That this act is a grant upon certain expressed conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intended to affect or in anywise to interfere with the laws of the State of California, relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretaries of the Interior and Agriculture, respectively, and the city of Los Angeles, in carrying out the provisions of this act, shall proceed in conformity with the laws of said State."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 644) for the relief of Oscar Smith was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1799) for the relief of Thomas Darr was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KENYON. Mr. President, I would like to inquire if Calendar No. 477 has been passed over.

Mr. SMOOT. I will say to the Senator that we began with No. 493, where we left off at the last call of the calendar.

Mr. NORRIS. I would like to make an inquiry. Calendar No. 545, in regard to the Patent Office, went over on objection. I want to inquire of the Senator from Utah [Mr. Smoot] whether he will object to the fixing of some time to take that bill up and dispose of it?

Mr. SMOOT. There are a number of Senators who asked me to request that the bill go over if it came up. As far as I am personally concerned, I shall be glad to agree on a time, but I do not believe it could be done to-day. I know of three Senators who asked just before leaving the Chamber that the bill should be passed over.

Mr. NORRIS. I would like to say that that bill ought to be disposed of before we take a recess. I am satisfied that no Senator will have any objection to it upon a fair consideration of it. If there are any amendments Senators want to make to it, or if there is anything in it which is wrong, there will be no objection to changing it. I am going to move some time before the recess is taken, if I can, when there is no appropriation bill or conference report before the Senate, to take up that bill. It is very important that it should be disposed of. I do not believe there is any valid objection to anything in it.

Mr. KENYON. Mr. President, I want to say, as to No. 477, that it is a bill which should be disposed of. I do not believe there will be very much objection to it. It is a bill to establish in the Department of Labor a bureau to be known as the women's bureau, and I am going to ask the Senate to take that up before we adjourn.

There is another bill which has been passed, where there is a motion to reconsider, known as the Nolan-Johnson minimum-wage bill. The Senator from Colorado [Mr. Thomas] moved a reconsideration of that bill. I would like to ask him if it would be agreeable to him to take it up to-morrow?

Mr. THOMAS. Mr. President, as I informed the Senator privately a few moments ago, I shall not object to its being taken up at any time. While I filed the motion, I filed it more as a representative of other Senators on this side of the Chamber than on my own account, although I have been informed since it was filed of some features of the bill which should not be on the statute books. But I do not propose to obstruct in any way the consideration of it.

Mr. KENYON. I think it should be disposed of.

Mr. THOMAS. As far as I have anything to do with it, the Senator can have it disposed of at any time, with my consent. I reserve the right, of course, to call for a quorum, so that Senators interested in the bill may be present.

Mr. McCORMICK. May I ask the Senator from Iowa if he will not call up one or the other of those bills at this time?

Mr. KENYON. I should be glad to do so.

Mr. UNDERWOOD. I shall object until the calendar is finished, because we have undertaken to go through the calendar, and I think it is proper that we should finish it.

Mr. KENYON. When the calendar is finished I shall move to take up Calendar No. 477, the bill (H. R. 13229) to establish in the Department of Labor a bureau to be known as the women's bureau.

Mr. SMOOT. I will say to the Senator that I think it was tentatively understood by all that we were only going to consider to-night bills on the calendar to which there was no objection.

Mr. McCORMICK. I do not believe there was any other agreement than that we should go through the unobjected bills on the calendar. If we finish them before 5 o'clock, I think it is entirely proper that we should proceed to some other business.

Mr. THOMAS. I think the Senator should bear in mind the fact that the Senator from Massachusetts [Mr. LODGE] has given notice that to-morrow at 1 o'clock he would call up the Armenian resolution.

Mr. KENYON. I will keep that in mind.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House further insists upon its disagreement to the amendment of the Senate numbered 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. LEE of Georgia managers at the further conference on the part of the House.

The message also announced that the President of the United States having returned to the House of Representatives, in which it originated, the resolution (H. J. Res. 327) entitled "Joint resolution repealing the joint resolution of April 6, 1917, declaring that a state of war exists between the United States and Germany, and the joint resolution of December 7, 1917, declaring that a state of war exists between the United States and the Austro-Hungarian Government," with his objections thereto, the House proceeded in pursuant to the Constitution to reconsider the same; and,

Resolved, That the resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendment of the Senate numbered 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, and agreeing to the further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORRIS. The House has had another vote since we have voted here, and it is quite evident that the House is not going to recede on the so-called free-seed amendment. I regret very much to say this, but it is quite evident now that the Senate must recede from its amendment and permit free seeds to go into the bill or have no agricultural appropriation bill, and thus tie up one of the great departments of the Government.

Mr. SMOOT. Did the House have a vote upon the amended proposition?

Mr. NORRIS and Mr. SMITH of South Carolina. Yes.

Mr. SMOOT. And turned it down?

Mr. NORRIS. Yes. The House voted on the compromise amendment that we submitted to them and voted it down by a large majority. They have refused to make any compromise on the free-seed proposition, so I presume we either have to have free seeds or no Agricultural Department. Realizing that as I do, I feel it to be my duty now, as one of the conferees on the part of the Senate, to move that the Senate recede from its amendment numbered 93.

Mr. THOMAS. Mr. President, if that motion is to be considered now, I shall be compelled to suggest the absence of a quorum, because I know of Senators now absent who wish to be heard on the question.

Mr. NORRIS. Let me say to the Senator from Colorado that, as the Senator knows and as I think the Record shows

the action of the conferees, there is no one here more opposed to the free-seed provision than I am.

Mr. THOMAS. I am aware of that.

Mr. NORRIS. But I do not feel as though I ought to jeopardize the appropriations for the department in order to keep out what I believe ought to go out. I think it is demonstrated now from the Record that the House will do that and that the bill will fail unless the Senate does recede. If the Senator is going to take the action which he proposes to take, I, of course, would withdraw my motion, because I realize that we probably would not be able to get a quorum this evening, and I shall renew the motion to-morrow.

Mr. THOMAS. The House as well as the Senate has considered what a failure to agree means. If the Agricultural Department is jeopardized, let the blame be placed where it belongs. I am getting rather weary of being compelled, and especially during the closing hours of a session of Congress, to yield vital points on these great bills to the House because, unless we surrender, the appropriations will fail and the departments be jeopardized. Just as long as the House knows that the Senate will ultimately yield under the circumstances, just so long will such abuses as this old seed abuse, that is hoary with age and claims to be sanctified by time, be continued upon this bill.

We yielded on vital propositions upon the military bill for the same reason—that the bill would fail if we did not do so. If the position of the House is that it must have all these disputed amendments or the bill will fail, I am in favor of giving them second choice. We will have to do it sooner or later on some of these measures, or the situation which now presents itself will be repeated ad nauseum. The Agricultural Department is of vast importance, so vast, indeed, that I think this will be a good place to test the endurance of the House and determine whether the Senate is the body which will always yield or whether some of the things which the House insists upon shall not be granted.

The PRESIDING OFFICER. The Chair understands that the Senator from Nebraska withdraws his motion.

Mr. NORRIS. If the Senator from Colorado intends to take the course suggested by him, I withdraw my motion.

Mr. THOMAS. I have promised Senators in this and in other matters in which they were interested that if they came up during their absence, I would follow this course.

Mr. NORRIS. Then I withdraw the motion.

CAROLYN WHEELER KOBBE.

The bill (H. R. 1827) for the relief of Carolyn Wheeler Kobbe was announced as next in order on the calendar, and was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carolyn Wheeler Kobbe, widow of Gustav Kobbe, who was killed as the result of an accident caused by a United States Navy seaplane, the sum of \$2,500.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY A. PARSONS ET AL.

The bill (H. R. 4927) for the relief of Nancy A. Parsons, C. M. Parsons, D. F. Staggs, Ollie Staggs, Roas Staggs, Lena Birchfield, Alice Birchfield, Bertie Gwin, Greely Gilbert, Linville Gilbert, and Nelson Gilbert was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,975 in the following proportions: To Nancy A. Parsons, one-half; to C. M. Parsons, one-sixth; to D. F. Staggs, one-sixth; to Ollie Staggs, one forty-eighth; to Roas Staggs, one forty-eighth; to Lena Birchfield, one forty-eighth; to Alice Birchfield, one forty-eighth; to Bertie Gwin, one forty-eighth; to Greely Gilbert, one forty-eighth; to Linville Gilbert, one forty-eighth; to Nelson Gilbert, one forty-eighth; said sum being the value ascertained on said date by condemnation proceedings in the district court of the United States for the northern district of Alabama, in which the United States was plaintiff and said persons were defendants, as the damages sustained by said persons to lands owned by them jointly in said proportions by the construction by the United States of certain works for the improvement of navigation on the Black Warrior River.

Mr. UNDERWOOD. Mr. President, I desire to make a short statement in explanation of this bill.

Some years ago the Government condemned certain lands along the Warrior River in Alabama for the purpose of building Dam No. 17. The dam has since been built and the land is overflowed with water. The Government proceeded with its condemnation against these lands, and the finding of the District Court of the Northern District of Alabama was for the amount that is carried in the bill to pay the claimants for the land, they having been driven off their small farms or homes by the Government thus overflowing the land. The land

is now under water, and the district court found that the amount named in the bill is just compensation. Therefore I think this very meritorious bill ought to be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. ADAMS.

The bill (H. R. 5807) for the relief of John T. Adams was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of John T. Adams, of Frankton, Ind., United States coupon bonds of the 3 per cent loan of 1908 to 1918 (Nos. 43361 and 50623 for \$500 each), with interest from November 1, 1910, the said bonds, with coupons attached, dated February 1, 1911, to maturity of the loan, inclusive, having been stolen: *Provided,* That the said John T. Adams shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupons of the said bonds, in such form and with such surety as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen bonds hereinbefore described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD A. PURDY.

The bill (H. R. 9583) for the relief of Edward A. Purdy, postmaster of the city of Minneapolis, Minn., for postage stamps, postal-savings stamps, war-savings stamps, war-tax revenue stamps, and cash from money orders stolen from the branch post office at Minneapolis, Minn., commonly known and described as the traffic station, and located at Nos. 621 and 623 First Avenue north, in said city, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Edward A. Purdy, as postmaster of the said city, in the sum of \$13,861.24, said sum being the amount of certain postage stamps, postal-savings stamps, war-savings stamps, war-tax revenue stamps, and cash, from the money-order funds taken and stolen by unknown burglars, on or about 4 o'clock in the morning of the 23d day of October, 1918, from one of the branch post offices of the said city of Minneapolis, to wit: That certain branch post office located at Nos. 621 and 623 First Avenue north, in said city, and commonly known and described as the traffic station; and that the said Edward A. Purdy be, and he is hereby, released from payment to the Treasury of the United States of the said sum of \$13,861.24 and every part thereof as such postmaster, and that his account in connection with the aforesaid traffic station branch post office be credited with the said amount of \$13,861.24 by reason of the aforesaid loss caused by the said burglars.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY R. BUTCHER.

The bill (H. R. 10115) for the relief of Harvey R. Butcher was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SPENCER. I wonder if the Senator from Utah will not allow this bill to be considered when he has some information about it. It is for the relief of a young man who, through no fault of his own, incurred this loss. It is recommended both by the War Department and by the board of officers.

This young man was in the Quartermaster's Department and handled \$1,510,000 in the emergency, and there was a discrepancy of about \$2,000 which never could be accounted for. A board of officers was appointed and exonerated him, and the Secretary of War recommended that the allowance be credited upon the books. This is for his relief. It is a perfectly fair bill, and the committee felt that it was entitled to favorable action.

I wonder if, under that statement, the Senator from Utah will let us consider the bill?

Mr. SMOOT. Mr. President, I have been trying to read the report through, but it is a long report. However, if the facts are as the Senator states them, I have no objection to it. There are so many of these claims made that we ought to go into them pretty carefully.

Mr. SPENCER. I may say to the Senator that Acting Secretary of War Crowley stated in reference to this matter that the discrepancy evidently—

Occurred through this officer's inability to give personal supervision to every transaction in his office under the large amount of work required by his office during the demobilization of the Army.

It is believed that this bill is meritorious and should be passed.

Mr. SMOOT. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harvey R. Butcher, out of any money in the Treasury not otherwise appropriated, the sum of \$1,770.33 to reimburse him for moneys paid out of his personal funds in settlement of a shortage in his accounts while acting as disbursing

officer, Quartermaster Corps, United States Army, at Camp Funston, the said shortage not being due to any negligence or default on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLANCHE UTLEY.

The bill (H. R. 10317) for the relief of Blanche Utley was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of the estate of Blanche Utley, a minor, of Fort Worth, Tarrant County, Tex., the sum of \$5,000 in full compensation for injuries sustained by the said Blanche Utley due to an aeroplane owned by the United States Government while engaged in practice flying in Tarrant County, Tex., striking a barbed-wire fence near an automobile standing in a public road and in which said Blanche Utley was sitting, knocking said barbed wire loose from said fence and against the said occupant, Blanche Utley, of said automobile in such a manner and way as to injure and cut the said Blanche Utley, on the 20th day of June, A. D. 1918.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CASEY.

The resolution (S. Res. 367) referring to the Court of Claims the bill (S. 4384) for the relief of William Casey was considered by unanimous consent and agreed to, as follows:

Resolved, That the claim of William Casey (S. 4384), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

PAWNEE TRIBE OF INDIANS OF OKLAHOMA.

The resolution (S. Res. 368) referring to the Court of Claims the bill (S. 4375) for the relief of the Pawnee Tribe of Indians of Oklahoma was considered by unanimous consent and agreed to, as follows:

Resolved, That the bill S. 4375, entitled "A bill for the relief of the Pawnee Tribe of Indians of Oklahoma," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

NAVAL ACADEMY AGE LIMIT.

The bill (S. 3969) to authorize the Secretary of the Navy to waive the age limit for admission to the United States Naval Academy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment in line 4, after the word "limit," to strike out the words "to the extent of from 30 to 60 days" and to insert "not exceeding 60 days," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to waive the age limit, not exceeding 60 days, of any midshipman compelled to resign from the Naval Academy on account of deficiencies in studies, who desires to be reappointed, and who is over the age limit to be reappointed in the regular way: *Provided,* That such waiver shall be made only in cases of midshipmen whose conduct and academic records shall entitle them to such consideration.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL RESERVE FORCE.

The bill (S. 4361) to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes, was considered as in Committee of the Whole. The bill was read as follows:

Be it enacted, etc., That officers of the Naval Reserve Force or the Marine Corps Reserve who have heretofore been, or may hereafter be, disenrolled from said service or have heretofore been, or may hereafter be, released from active duty therein, shall receive mileage at the same rate as authorized for officers of the Regular Navy for the distance involved in travel in the United States from the place where disenrolled or released from active duty to their homes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. PAYNE.

The bill (H. R. 3212) for the relief of legal representative of George E. Payne, deceased, was considered as in Committee of the Whole. The bill was read as follows:

Be it enacted, etc., That the claim of the legal representative of George E. Payne, deceased, of New Orleans, La., for personal property taken by United States officers, and for the crop of sugar sold by the sequestration commissioners, and the net proceeds transferred by them to the Quartermaster's Department and used for public good, and for the use and occupancy of the plantation of said deceased, taken by

United States Army officers and turned over to the United States Treasury agent, and by said agent leased to William Spear for the year 1864, and for the use and occupancy by the Freedmen's Bureau for the year 1865, be, and the same is hereby, referred to the Court of Claims of the United States for adjudication, at the fair and reasonable rental and the value of the property taken and used as aforesaid, on the competent evidence heretofore presented and that may be adduced, any statute of limitations to the contrary notwithstanding: *Provided, however*, That it be shown to the satisfaction of the court that said George E. Payne did not give any aid or comfort to the late Civil War, but was throughout the war loyal to the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTER STATE PARK GAME SANCTUARY, S. DAK.

The bill (H. R. 11398) for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate as the Custer State Park Game Sanctuary such areas, not exceeding 30,000 acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place thereof.

SEC. 2. That when such areas have been designated as provided for in section 1 of this act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands.

SEC. 4. That the State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as the area designated by the President as a game sanctuary is also given similar protection by the laws of the State of South Dakota.

SEC. 5. That upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed 1,600 acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas set aside by the President under the authority of section 1: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest: *Provided, however*, That this authority shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this act.

Mr. WADSWORTH. I should like to ask a question of the Senator from Connecticut [Mr. McLEAN], who reported the bill. Apparently this bill does not call for an appropriation. Would it lead to one?

Mr. STERLING. Perhaps I can answer the question, as it relates to my State. It does not call for a Federal appropriation. Whatever expense may be involved will be borne by the State.

Mr. WADSWORTH. Is the park to be patrolled by Federal agents?

Mr. STERLING. It is to be patrolled by Federal agents and by State agents. There is to be cooperation between the State and Federal Government in this game preserve and in the protection of wild animals.

Mr. WADSWORTH. Has the Federal Government a reservation near by at which patrolmen are employed?

Mr. STERLING. The proposed game sanctuary is to be designated from the Harney National Forest, as it is called. The State has a park called the Custer State Park adjoining the Harney National Forest. The object is to set aside certain portions of the Harney National Forest, around which fences are to be erected, for the protection of game.

Mr. WARREN. It is expected to be taken care of by the State, as I understand?

Mr. STERLING. Certainly; the area designated by the President under the terms of the bill will be taken care of by the State. The State is to build the fences and take care of the preserve.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. R. GRACE & CO.

The bill (S. 3743) for the relief of W. R. Grace & Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$268.36" and to insert "\$263.73," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. R. Grace & Co., of 7 Hanover Square, New York City, the sum of \$263.73, the amount which said W. R. Grace & Co. paid as customs duty on 180 bales of caraway seed, which was imported on May 15, 1918, the entry on which was liquidated on August 10, 1918, and which was reported for exportation by the Department of Agriculture on November 13, 1918, after the expiration of the 30-day period provided by law for the filing of protests after liquidation of entry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRAZING LANDS IN ALASKA.

The bill (S. 2791) to provide for the leasing of public lands in Alaska for stock breeding and for other purposes was announced as next in order.

Mr. THOMAS. I shall have to ask that that bill go over, Mr. President.

The VICE PRESIDENT. Being objected to, the bill will go over.

Mr. THOMAS subsequently said: Mr. President, from what the Senator from Utah [Mr. SMOOT] tells me regarding Senate bill 2791, I withdraw my objection to the consideration of the bill.

Mr. SMOOT. I ask that the bill be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, and under such general regulations as he may adopt, to lease, for stock-grazing purposes unappropriated public lands, either surveyed or unsurveyed, in the Territory of Alaska, not adapted to ordinary agricultural uses, but chiefly valuable for pasturage, in area not to exceed in the aggregate 10,240 acres to any one lessor, for such periods of time as may be agreed upon, but in no case to exceed 25 years, and for such annual rental as may be fixed by agreement, subject to revision at stated periods: *Provided*, That all leases granted hereunder shall expressly reserve the right of citizens of the United States to enter upon, explore, and work the leased lands for the minerals therein, and acquire title thereto under the mining laws.

SEC. 2. That on the termination of a lease, after due compliance with the terms thereof, the lessor shall have a preferred right to purchase for cash, on the payment of the appraised value thereof, the land on which his principal improvements are situated; the area so taken not to exceed 640 acres: *Provided*, That if the lessee shall not exercise such right of purchase all improvements on the leased land shall be and remain the property of the United States.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the leasing of public lands in Alaska for grazing purposes."

GEORGE F. RAMSEY.

The bill (S. 4326) for the relief of George F. Ramsey was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the sum of \$15,561.23 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and paid to George F. Ramsey, levee contractor, of which \$13,602.27 is for himself and \$1,958.96 is for the use and benefit of W. H. Dennison, his subcontractor, being the aggregate losses incurred by said George F. Ramsey and his subcontractors in the carrying out of certain contracts referred to in a Senate resolution of June 19, 1919, under which the Secretary of War was directed to report the amount of losses incurred by the contractors upon contracts mentioned in said resolution: *Provided*, That before paying said sums the Secretary of the Treasury shall require satisfactory evidence that said contract has been completed and that there are no other subcontractors who claim loss for work in connection with said contract.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. B. BANKS.

The bill (S. 4327) for the relief of H. B. Banks was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the sum of \$123,569.03 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and paid to H. B. Banks, levee contractor, of which \$40,720.95 is for the use and benefit of his subcontractors, Roach, Stansell, Lowrance Bros. & Co., and \$82,848.08 is for the use and benefit of his subcontractor, George F. Ramsey, being the aggregate losses incurred by said subcontractors in the carrying out of certain contracts referred to in a Senate resolution of June 19, 1919, under which the Secretary of War was directed to report the amount of losses incurred by the contractors upon contract mentioned in said resolution: *Provided*, That the Secretary of the Treasury, before paying said sums, shall require evidence satisfactory to him that said contracts have been completed, and that there are no other subcontractors who claim loss for work in connection therewith.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Tennessee [Mr. McKellar] if examination has been made by any agency of the Government showing the amount of the loss to be as reported in the committee amendment?

Mr. McKellar. Yes. Under date of June 9 last the Commerce Committee passed a resolution instructing the Secretary of War, who in this case acted through the Chief of Engineers, to examine and report the amount of the losses sustained. That was done, and the figures in the amendment are those reported by the engineers. As the Senator will notice, the loss was caused by reason of the fact that the Government practically prevented the employment of labor because they themselves used all the available labor in that locality in connection with work upon nitrate plants, powder plants, and aviation fields. The figures have been gone into very carefully, and those contained in the amendment are the exact figures reported by the War Department.

Mr. SMOOT. The contracts were made with the Government?

Mr. McKellar. Yes; they were made with the Government.

Mr. NELSON. Mr. President, if the Senator will yield to me for a moment, I desire to say that the last river and harbor bill contained a provision for the allowance of claims of this kind on account of the war.

Mr. SMOOT. I recall that provision.

Mr. NELSON. The contracts involved in this bill relates to levee construction?

Mr. McKellar. Yes.

Mr. NELSON. The officials of the War Department were authorized to audit such claims, and, as I understand, have passed upon the claims, and the amounts in the bills reported from the Committee on Claims are those recommended by the department.

Mr. McKellar. That is true.

Mr. NELSON. The amounts contained in the bills are exactly the amounts which have been reported by the War Department.

Mr. McKellar. That, as I understand, is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROACH, STANSELL, LOWRANCE BROS. & CO.

The bill (S. 4328) for the relief of Roach, Stansell, Lowrance Bros. & Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the sum of \$204,307.98 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and paid to Roach, Stansell, Lowrance Bros. & Co., of which \$150,110.07 is for themselves, and \$14,953.84 is for the use and benefit of their subcontractors, L. Lowrance & Bros.; \$5,376 is for the use and benefit of their subcontractor, George F. Ramsey, and \$15,822.82 is for the use and benefit of their subcontractor, Rodgers Construction Co., and \$18,045.25 is for the use and benefit of their subcontractors, H. N. Rodgers & Bro., being the aggregate losses incurred by said Roach, Stansell, Lowrance Bros. & Co. and their subcontractors in the carrying out of certain contracts referred to in a Senate resolution of June 19, 1919, under which the Secretary of War was directed to report the amount of losses incurred by the contractors upon contracts mentioned in said resolution: *Provided*, That before paying said sums the Secretary of the Treasury shall require satisfactory evidence that said contracts have been completed, and that there are no other subcontractors who claim loss for work in connection with said contracts.

The amendment was agreed to.

The bill was then reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS NICHOLSON.

The bill (S. 1313) for the relief of Francis Nicholson was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

Mr. PHELAN. I hope the Senator will not object to the consideration of that bill. It is a very meritorious case.

Mr. THOMAS. If the Senator is interested in it, I will withdraw my objection.

Mr. SMOOT. I should like to have the Senator from California give some explanation of the bill.

Mr. PHELAN. Mr. President, I quote from the report on the bill, as follows:

It is shown from the records that Francis Nicholson, 1269 Stanyan Street, San Francisco, at the age of 13, sustained personal injuries from the discharge of evening gun at the Presidio, San Francisco, October 4, 1916.

I may state he was on the public highway when he received the injury.

The young man was attended by four doctors, lost one eye, and received a concussion of the brain. He was severely burned about the face and body. He is disfigured for life and partly disabled.

The Secretary of War ordered an investigation, and I have here [exhibiting] the whole proceedings of the court. The investigation continued for a period of over a year and a half. The Secretary of War concludes his report with this recommendation:

In view of all the circumstances of the case a board of officers which investigated the matter recommend \$20,000 damages be paid for the injury sustained by the boy. The commanding general Western Department recommends approval, and I concur.

NEWTON D. BAKER,
Secretary of War.

The committee cut that down arbitrarily to \$10,000. I am perfectly familiar with the case. It is entirely meritorious. This young man's life has been ruined. Any private employer would have compensated him in the whole amount. I should say that \$20,000 for a ruined life was not excessive; but the committee has seen fit to recommend the appropriation of \$10,000, and I think the Senate should approve it.

Mr. SMOOT. Mr. President, this afternoon we passed a bill giving the widow of a man who was killed by the Government of the United States \$2,500. We passed another bill giving a widow \$5,000 for the death of her husband. Here we have a bill appropriating \$10,000 for the injury of a boy reported by the Military Affairs Committee.

Mr. THOMAS. The Claims Committee.

Mr. SMOOT. Oh, no.

Mr. PHELAN. It comes from the Claims Committee.

Mr. SMOOT. My copy of the bill says that it was read twice and referred to the Committee on Military Affairs. I think I shall ask that it go over to-day.

Mr. PHELAN. Mr. President, let me ask the Senator whether the damage to a boy 13 years of age, who survived, is not greater than that to a widow whose husband is killed. No adequate reparation can be made for that; but this boy is compelled to live, and it seems to me that \$10,000 is very poor recompense for the fact that the United States Government, through the carelessness of its agents, has blown out his eyes and otherwise damaged him.

Mr. SMOOT. I want to read the report. I ask that the bill go over to-day.

The VICE PRESIDENT. The bill will be passed over.

JOHN B. ELLIOTT.

The bill (S. 4250) for the relief of John B. Elliott was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John B. Elliott, whose position as collector of customs of collection district No. 27 (formerly known as the district of southern California), was inadvertently abolished under the provisions of the Executive order of February 2, 1920, the salary he would have received as collector of customs of the newly created district No. 27 (known as the district of Los Angeles) from February 2, 1920, to April 5, 1920, inclusive, had not his position been so abolished.

SEC. 2. That for the above purpose there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$888.89.

Mr. PHELAN. Mr. President, this is merely a perfunctory matter. The President, by an Executive order, created a new customs district at San Diego, and in doing so he eliminated the more important customs district at Los Angeles, and the Auditor of the Treasury said that the man had been legislated out of his salary. He continued to serve for two months, and this is a bill to provide for the payment of two months' salary for services rendered the United States in due course. It was a mere accident on the part of the department that he was dis-

placed, and the report so shows. It is perfunctory. It is not a debatable question at all.

Mr. THOMAS. Mr. President, if the Senator can assure me that the Treasury Department will never repeat that mistake I will not make any objection.

Mr. PHELAN. I will give the Senator any assurance he desires.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF TENTS AND COTS.

The joint resolution (H. J. Res. 336) authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate veterans at the reunion of said camp June 24 to 27, inclusive, 1920, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with amendments, on page 1, line 8, after the word "hundred," to insert "tents and," and in line 9, after the word "cots," to strike out "blankets," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, in his discretion, to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., in their encampment to be held at Hodgkins Springs, near Fort Worth, Tex., from June 24 to June 27, inclusive, 1920, 100 tents and cots: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to the commander of said Albert Sidney Johnston Camp at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the commander of said camp: *Provided further*, That the Secretary of War, before delivering said cots and blankets, shall take from the commander of said camp a good and sufficient security for the safe return of said property in good order and condition, and the whole to be without expense to the United States Government.

The amendments were agreed to.

Mr. WARREN. Mr. President, I understand that the bill as amended simply covers cots and tents?

Mr. SHEPPARD. Cots and tents only. The words "and blankets" are stricken out.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 tents and cots for the use of Confederate veterans at the reunion of said camp June 24 to 27, inclusive, 1920."

OREGON & CALIFORNIA RAILROAD CO., ETC.

Mr. CHAMBERLAIN. Mr. President, this morning the Senator from Utah [Mr. SMOOT] called up a bill which had heretofore passed the Senate, and the same bill has passed the House. The one which passed the House and came to the Senate was referred to the Committee on Public Lands. I ask that the Committee on Public Lands be discharged from the further consideration of the bill, and that the House bill be taken up and disposed of.

The VICE PRESIDENT. Now?

Mr. CHAMBERLAIN. Yes, sir. The same bill has passed both bodies, but, like Mahomet's coffin, it is hung up between the two bodies now. I ask that the Committee on Public Lands of the Senate be discharged from the further consideration of the House bill, and that the House bill be taken up and disposed of now. That would restore the House bill, as I understand, to the Senate.

Mr. SMOOT. Mr. President, I do not like to have the Senator move that the Public Lands Committee of the Senate be discharged from the further consideration of the bill. In fact, I knew nothing about it until I received a letter this morning from Congressman SINNOTT, and I had not had the letter in my possession one hour before I asked for the consideration of the bill and stated the facts in the case. I prefer that the Senator should allow me to report the bill back to the Senate to-morrow and get the consent of the Senate to have it acted upon.

Mr. CHAMBERLAIN. I can assure the Senator that the bills are exactly the same.

Mr. SMOOT. I so stated this morning when there was objection to it.

Mr. CHAMBERLAIN. The Senator says he does not know anything about the bill. It is exactly the same bill that the Senator reported out of the Public Lands Committee.

Mr. SMOOT. The Senator is mistaken.

Mr. CHAMBERLAIN. Well, I am not going to insist upon it. If the Senator does not want the very thing that he asked for this morning, and now objects to it, I withdraw my request.

Mr. SMOOT. I am not objecting to that at all.

Mr. CHAMBERLAIN. That is what it amounts to.

Mr. SMOOT. Another thing I want to say is that I did not say that I knew nothing about the bill.

Mr. CHAMBERLAIN. I have withdrawn my request.

Mr. SMOOT. I said that I did not know anything about the bill passing the House until I received the letter this morning.

Mr. CHAMBERLAIN. I was not here this morning. I understood that the Senator brought up this very matter, and that the Senator from Alabama [Mr. UNDERWOOD], not knowing anything about it, practically requested that the matter go over. Now I have taken up the same matter, the Senator from Alabama assures me that he has no objection to it, and the Senator who brought it up this morning now practically objects. I have withdrawn my request.

Mr. SMOOT. I object to having a motion made to discharge the Committee on Public Lands from the further consideration of the bill. That looks like a reflection upon the Public Lands Committee. That is the only reason.

Mr. UNDERWOOD. Mr. President, I wish the Senator would allow me to make a statement.

This morning, when this bill came up, the unfinished business had not been disposed of and we were not in the morning hour. The bill came up in a rather unusual way, because it was not on the calendar and had not been reported. The Senator from Utah did state that a similar bill had been reported and passed by the Senate, but I desired to find out the situation. I want to say that I think when the calendar is up and Senators are on notice that we are passing bills of this character, it is an opportune time to pass them, when everybody has a chance; but except in unusual cases I do not favor, as far as I am individually concerned, the consideration of bills that require real consideration, matters of moment, at unusual times. That was my reason for asking the Senator to let it go over.

Mr. SMOOT. If the Senator from Oregon will ask unanimous consent for the consideration of this bill, I shall not object; but I do object to having it appear on the record that it required a motion upon the part of any Senator to discharge the Committee on Public Lands from the consideration of any bill.

Mr. CHAMBERLAIN. Mr. President, the Senator is super-sensitive. That motion is made here time and time and time again. The Senator himself has made it in my hearing and in my presence more than once, and the Senator knows that absolutely no disrespect was intended to his committee. It was simply a question of following the proper parliamentary procedure to get the bill before the Senate; that was all.

Mr. SMOOT. If the Senator asks unanimous consent for it, I shall not have any objection.

Mr. CHAMBERLAIN. I will follow the Senator's advice and suggestion and ask unanimous consent that the bill may now be considered. I may say, further, that the bill has reference only to an Oregon matter. It is local in its significance and follows the language of a former bill which passed this Congress.

The VICE PRESIDENT. But it is in the hands of the Committee on Public Lands; that is the trouble.

Mr. CHAMBERLAIN. That is the very reason why I made the motion. The Senator from Utah seemed sensitive about it, and I assured him that I had no intention of referring slightly to his committee. I was simply following the usual rule.

Mr. SMOOT. Mr. President, I knew nothing about the bill until this morning. As I say, I had not had the letter one hour before I asked for unanimous consent and it was objected to. I am perfectly willing for the Senator to ask unanimous consent that the committee be discharged rather than having it done by vote, and then we can consider the bill.

The VICE PRESIDENT. Is there any objection to the request for unanimous consent that the Committee on Public Lands be discharged from the further consideration of the bill? The Chair hears none, and the committee is discharged. Is there objection to the present consideration of the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. EDWARD T. HARTMANN.

The bill (S. 2929) for the relief of Capt. Edward T. Hartmann, United States Army, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 4, after the word "Hartmann," to strike out "United States Army, the sum of \$272.50, which sum," and insert "the sum of \$272.50; Capt. Frederick G. Lawton, the sum of \$1,400; Capt. Frank B. Watson, the sum of \$1,500; and Capt. James Ronayne, United States Army, the sum of \$1,658, which sums"; in line 9, after the word "necessary," to strike out "is" and insert "are"; in line 11, after the word "said," to strike out "sum" and insert "sums"; on page 2, line 1, after the word "by," to strike out "him" and insert "them"; and on line 5, after the word "from," to strike out "him" and insert "each," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Capt. Edward T. Hartmann the sum of \$272.50, Capt. Frederick G. Lawton the sum of \$1,400, Capt. Frank B. Watson the sum of \$1,500, and Capt. James Ronayne, United States Army, the sum of \$1,658, which sums, or so much thereof as may be necessary, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sums to be payment in full for all losses of personal property incurred by them by reason of the sinking of the U. S. transport *Meade* in the harbor of Ponce, Porto Rico, on or about May 16, 1899: *Provided*, That the accounting officer of the Treasury shall require a schedule and affidavit from each, such schedule to be approved by the Secretary of War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Capt. Edward T. Hartmann, United States Army, and others."

JOHN A. GAULEY.

The bill (H. R. 2396) for the relief of John A. Gauley was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SWANHILD SIMS.

The bill (H. R. 6198) authorizing payment of compensation to Swanhild Sims for personal injuries was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINA REA, ADMINISTRATRIX.

The bill (H. R. 9048) for the relief of Catherina Rea, administratrix of the estate of John Rea, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE TEXAS CO.

The bill (S. 1255) authorizing the Texas Co. to bring suit against the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owners of the steamer *Texas* arising out of a collision between said steamer and the U. S. S. *Fredrick der Grosse* off Tompkinsville, Staten Island, in the harbor of New York, on the 3d day of September, 1917, for and on account of the losses alleged to have been suffered in said collision by the owners of said steamer *Texas* by reason of damages to and detention of said steamer, may be submitted to the United States court for the district of New York, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the owners of said steamer *Texas*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment.

Mr. SMOOT. Mr. President, section 2 of this bill provides as follows:

That should damages be found to be due from the United States to the owners of said steamer *Texas*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated.

I move to strike out section 2 of the bill.

Mr. SHEPPARD. Mr. President, I believe that course has been pursued as to all other similar bills.

Mr. SMOOT. As to all similar bills.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN IRON & METAL CO.

The bill (S. 3031) to appropriate \$1,189.35 for the relief of Southern Iron & Metal Co., Jacksonville, Fla., for salvage material, consisting of submarine cable purchased from the War Department, was announced as next in order.

Mr. WARREN. I should like to have that bill read.

The Reading Clerk read the bill.

Mr. WARREN. Is there a report there or any explanation of the bill? I do not see in his place the Senator who reported it.

Mr. SMOOT. Let it go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

COURTS IN NEW MEXICO.

The bill (S. 4310) to amend an act entitled "The New Mexico enabling act" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 13 of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, is hereby amended to read as follows:

"SEC. 13. That the State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, and the said district shall, for judicial purposes, be attached to the eighth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held on the first Monday in March and the first Monday in September of each year. The circuit and district courts for said district and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and the clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of New Mexico."

Mr. NELSON. Mr. President, I desire to explain that all there is in the bill is changing a term of court. It reenacts a provision of the statute in relation to New Mexico, but the only change effected is the change of a term of court, recommended by the judge and by the Department of Justice.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MASONIC MUTUAL RELIEF ASSOCIATION.

The bill (S. 4400) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That sections 2, 3, and 5 of an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, be amended to read as follows:

"SEC. 2. That membership in this association shall be limited to Master Masons, and that the business and objects of the society or corporation shall be to provide, maintain, and disburse a fund for the benefit of the members, their wives, widows, children, orphans, dependents, heirs, assignees, legatees, or beneficiaries, and for this purpose it shall and may be lawful for the said society or corporation to make all and every insurance appertaining to or connected with life or disability risks of whatever kind and nature; and, in addition thereto, to provide, maintain, and disburse a fund for owning, establishing, maintaining, and operating homes, hospitals, sanitariums, and any other aid or service for its members, Master Masons, their wives, widows, children, orphans, dependents, or beneficiaries; and because of its fraternal organization and benevolent purposes it shall be defined and classed as a fraternal beneficial society: *Provided, however*, That upon all contracts of insurance it shall maintain a reserve fund adequate to meet all liabilities thereon, and which in case of life risks shall be not less than that computed upon the American experience table of mortality at 4 per cent interest.

"SEC. 3. That the number of directors of said association shall be at least 21, a number of whom, less than a majority, shall be elected annually by the members of the association from among themselves and shall serve for three years. In all cases of a tie vote the choice to be determined by lot, and in all other cases a plurality vote shall decide. That the annual meeting of said association shall be held on the third Tuesday in February of each year, and said directors shall, at their first meeting succeeding the annual meeting of the association, elect one of their number to be president of the board of directors, who shall also be president of the association, and shall elect one of their number as vice president, and one of their number or a member of the association as secretary of the association, and the said secretary of the association shall give bond with surety to said association in such sum as the board of directors may require for the faithful discharge of his duties; and one of their number as treasurer, who shall also give bond with surety to said association in such sum as the said board of directors may require for the faithful discharge of his trust. At all meetings

of the board of directors 12 members of the board shall form a quorum. In case of any vacancy in the board of directors, by death, resignation, or otherwise, such vacancy shall be filled by the remaining directors from among the members of said association for the remainder of the unexpired term.

"SEC. 5. That the said board of directors may be increased from time to time to a number not exceeding the number of grand lodges of Masons in the United States, and the said board shall be capable of taking and holding the funds, property, and effects of said corporation, which funds, property, or effects shall forever be devoted to the purpose mentioned in section 2 hereof."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT DEPOSITARIES.

The bill (S. 4436) to amend the act approved December 23, 1913, known as the Federal reserve act, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the first paragraph of the act approved December 24, 1919, known as the Edge Act, amending the Federal reserve act, be amended by adding at the end a proviso, so that the paragraph as amended will read as follows:

"SEC. 25. (a) Corporations to be organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required by the Secretary of the Treasury as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five: *Provided*, That nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use any corporation organized under this section as depositaries in Panama and the Panama Canal Zone or in the Philippine Islands and other insular possessions and dependencies of the United States."

Mr. McLEAN. Mr. President, this bill merely gives the Secretary of the Treasury the power to designate corporations organized under the Edge Act to act as Government depositaries. The Secretary of the Treasury is now using a bank in the Panama Canal Zone organized under State law. That bank wants to reorganize and operate under the Edge Act, and the Treasury Department is afraid that if the bank does that the Secretary will be precluded from using it any longer for that purpose. That is all the bill provides.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WOODFORD BANK & TRUST CO.

The bill (H. R. 11030) for the relief of the Woodford Bank & Trust Co., of Versailles, Ky., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem certificates of indebtedness of the United States of America, Nos. 14978 and 14979, each of the denomination of \$5,000, and each of the issue dated April 10, 1919, and maturing September 9, 1919, with interest from April 10, 1919, to September 9, 1919, in favor of the Woodford Bank & Trust Co., of Versailles, Ky., without presentation of the certificates, the said certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said Woodford Bank & Trust Co., of Versailles, Ky., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness of the United States of America in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the said certificates of indebtedness hereinbefore described which were lost, stolen, or destroyed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. BROWN.

The bill (S. 4324) for the relief of William C. Brown was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Col. William C. Brown, United States Army, retired, to the position and rank of brigadier general on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERRY L. HAYNES.

The bill (H. R. 1309) for the relief of Perry L. Haynes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 6, after the words "National Guard," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Second Lieut. Perry L. Haynes, Coast Artillery Corps, National Guard, out of any money in the Treasury not otherwise appropriated, in the sum of \$855.75, which amount represents funds belonging to the Government of the United States for which he was held accountable and which were lost through no fault of his.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed for a third reading and the bill to be read a third time.

The bill was read the third time and passed.

EXPENSES OF THE DISTRICT OF COLUMBIA.

The bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause, and to insert:

Be it enacted, etc., That one half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, namely:

Hereafter the estimates of the Commissioners of the District of Columbia for any fiscal year, submitted in accordance with the act of June 11, 1878, shall state the necessary expenses of the government of the District of Columbia for said year, and shall bear no arbitrary relation to the total estimated revenues of the District of Columbia for such fiscal year, and the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof. If in any year the taxes and revenues of the District of Columbia shall be insufficient to reimburse the Treasury for the portion of said advance payable by the District of Columbia, such unpaid advance shall be reimbursed to said Treasury out of the revenues of the District of Columbia of the succeeding year or years. If in any year the taxes and revenues of the District of Columbia shall be more than sufficient to reimburse the Treasury for the portion of said advances payable by the District of Columbia, such surplus of revenue and all unexpended surpluses of District revenue shown by the reports of said commissioners to have been heretofore accumulated and deposited in the Treasury of the United States shall be held in the Treasury as a trust fund for the benefit of said District and be available as revenue of the District of Columbia for meeting the portion of appropriations payable by said District in the succeeding year or years, and all acts and parts of acts in conflict with any of the provisions herein contained are hereby repealed.

Hereafter the 50 per cent of approved estimates to be levied and assessed under the act of June 11, 1878, upon the taxable property and privileges in said District, shall be raised by the imposition of such rate of taxation on realty and tangible and intangible personal property as the commissioners shall ascertain to be necessary to raise annually, in combination with other District tax revenues and unexpended tax surpluses of previous years, a sum sufficient to meet the proportion of expenses to be paid by the District of Columbia under said act of June 11, 1878.

The amendment was agreed to.

Mr. JONES of Washington. I wanted to suggest an amendment, Mr. President, but I will let it go. The bill will have to go to conference.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JONES of Washington. Mr. President, I desire to make a statement with reference to the bill which has just been passed. The bill will go to conference, and I think the conference can take care of the proposition which is involved in the amendment I wanted to offer. What I intended to propose was to strike out the words "and intangible," on page 3, line 23, so as to allow the present rate on intangible property to stand and not attempt to deal with that. Then I intended to propose the following proviso at the end of line 3:

Provided, That the basic tax rate of 1½ per cent now on realty and tangible property shall not be decreased.

It might be increased, but I proposed that it should not be decreased. I think both those propositions can be cared for in conference under the amendment that has just been agreed to. So I will not ask for reconsideration of the vote by which the bill was passed.

ARMENIAN MANDATE.

The resolution (S. Con. Res. 27) declining to grant to the Executive the power to accept a mandate over Armenia was announced as next in order.

Mr. SMOOT. I ask that the resolution may go over.

The VICE PRESIDENT. The concurrent resolution will be passed over.

RUSSIAN RAILWAY SERVICE CORPS.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. The Senator from Utah.

Mr. POINDEXTER. Mr. President, I hope the Senator from Utah will not make a motion to take a recess until there is an opportunity to call the other bills on the calendar which are not printed. One or two have been reported to-day.

Mr. SMOOT. I am informed that the bills are not at the desk. We will have plenty of time to consider them next week.

Mr. POINDEXTER. If the bills are not available at the desk at this time, I will not insist on taking them up.

The VICE PRESIDENT. The bill on the calendar at the desk will be stated.

The READING CLERK. A bill (S. 3865) providing for the men and officers in the Russian Railroad Service Corps the status of enlisted men and officers of the United States Army when discharged.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

That the officers who are or have been in the Russian Railway Service Corps, organized by the War Department in 1917, under the authority of the President of the United States, shall henceforth have the status as to honorable discharge, when they are, or if they have been, honorably discharged from such service, of officers honorably discharged from the Army of the United States.

That all officers of this corps, active and honorably discharged, shall be entitled to receive all benefits under the war risk and war compensation acts, with all amendments thereto, provided that applications for war-risk insurance shall not be granted unless the applications therefor shall be made within 120 days from and after the passage of this act.

That any officer of the Russian Railway Service Corps who, while in active service and before the expiration of 120 days from and after the passage of this act, becomes or has become totally or permanently disabled, or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance in the manner provided for in section 401 of the war-risk insurance act.

Amend the title so as to read: "A bill providing for the officers in the Russian Railway Service Corps the status of officers of the United States Army when discharged."

Mr. KING. Mr. President, I was called out of the Chamber; I have been quite poorly. I desire to ask if this is the same bill I objected to a little while ago?

Mr. POINDEXTER. I think it is, Mr. President. I hope the Senator from Utah will not insist upon his objection. The bill was unanimously reported by the Committee on Military Affairs after a very elaborate hearing, and it is a mere measure of justice to some 215 young railroad men who were organized by the War Department, furnished with Army uniforms, and sent to Siberia, where they served for about two years under arduous circumstances.

Mr. KING. Mr. President, I do not think the Senator from Washington has treated me very fairly in this matter. I objected to the consideration of the bill just a few moments ago when unanimous consent was asked for its consideration. It is a matter which had not been called to the attention of the Senate, and none of us had had a chance to become familiar with its provisions or to determine the character of the precedent which it would establish. Desiring an opportunity to investigate it in its implications, I objected to its consideration.

Later the Senator from Washington approached me and asked me, in substance, the nature of my objections. I very briefly pointed them out. I told him I should be glad to look into the matter, and would do so within the next day or two; that I would not object to the bill being brought up for consideration at a later time after opportunity for investigation.

I had been out of the Chamber for a little while, and was just passing by when I heard the bill being read. I do not think it was fair or parliamentary for the Senator, under those circumstances, to take advantage of my absence and call this bill up again within a few minutes. I object to its consideration now.

The VICE PRESIDENT. The bill goes over.

Mr. POINDEXTER. Mr. President, I should like to take an opportunity of saying, in response to what the Senator from Utah has said, that every Senator is necessarily his own judge of propriety and of ethics.

The Senator from Utah has undertaken to state a conversation which I had with him to-day, and he stated it very inaccurately—no doubt unintentionally. He stated on the floor just now that he said he would examine this measure and come to some decision in a day or two. I am unaware of any such conversation having been had with him at all. No such language was uttered by him in my presence.

I am not aware of any impropriety, when the calendar is being called, of allowing bills which are on the calendar to come up. I had no agreement with the Senator from Utah in regard to this bill. If the Senator from Utah desires to object to bills, it is his place to be in his seat in the Senate and object to them; it is not my business to find the Senator from Utah. He made no request of me to postpone the consideration of this bill; he did not give any intimation of the kind. I undertake to say that the Senator from Utah has no more accurate sense of propriety on occasions of this kind than I have myself.

Mr. KING. Mr. President, I challenge the accuracy of the statement of the Senator from Washington. The substance of the conversation was clearly an indication that I desired to have an opportunity to look into the bill.

Mr. POINDEXTER. Does the Senator from Utah undertake to say that he asked me to postpone the consideration of the bill and that I agreed to do so?

Mr. KING. Mr. President, the Senator from Washington came to my seat after I had objected to the bill and asked me what my objections were, and I stated, in substance, that I desired an opportunity to look into the bill, and I would do so at the earliest possible moment. I did state, in substance, that I hoped to do so within the next day or so, and I shall do so. The bill may be entirely proper, but as I have heard the bill read, it will lead, it seems to me, to dangerous precedents. I certainly got the understanding from the conversation between us that an opportunity would be given for me to examine the bill and to make up my mind in regard to the matter. If the Senator feels that under those circumstances if I stepped out from the Chamber it was proper to call the bill up again, he has the right to do so, and he will judge as to whether it is proper or not.

Mr. POINDEXTER. Mr. President, I do not want to prolong this matter, but I wish to say that if I had with the Senator from Utah any such conversation as he states was had, in substance or any other way, I would consider that I ought to have notified him again before bringing up the bill. But I did not have any such conversation with him, and he did not ask me to postpone consideration of it. He did not state that he desired any further opportunity to be heard on the subject. Nothing of that kind passed between us.

And I want to say to the Senator from Utah that if, when the calendar is called again, this bill is reached and called, I shall not ask for a postponement of its consideration. The Senator from Utah will have to be in the Senate and make his own objection. The situation now is exactly the same as it has been heretofore. At the time the Senator from Utah referred to, the bill was not on the calendar; it was just being reported, and when it was called just now it was called in the ordinary course of the call of the calendar.

MILITARY STATUS OF CERTAIN EMPLOYEES.

Mr. WADSWORTH. Mr. President, if there is no further business at this moment, I desire to take just a little time in calling attention to a letter printed in the RECORD of yesterday's proceedings, on pages 7714-7715, a letter addressed to the Senator from South Dakota [Mr. STEERLING], from the president of the Civil Service Commission, Hon. Martin A. Morrison, in which the commissioner makes certain observations about what he calls the militarizing of the civil service under the War Department. I shall not read all of the letter, because it is already in the RECORD, but I think it would be interesting to call attention to the very evident misunderstanding that the Civil Service Commission has reached about the function of the soldier.

A table is printed as part of the letter, near the bottom of the second column, on page 7714, in which it is set forth that 27,200 soldiers of the Army are to be assigned to seven of the services named in that table. I will not recite them all, but merely call attention to the fact that apparently the Civil Service Commission believes that the 12,500 soldiers of the Army who are to be assigned to the Transportation Service are to do clerical work, and therefore it is an invasion of the civil-service theory and rules and practice of the Government.

The fact is, of course, that the 12,500 men to be assigned to the Transportation Service are the soldiers who drive the trucks, the soldiers who repair the trucks and who keep gas engines in repair. They are just as much soldiers as the infantrymen, the cavalrymen, and the field artillerymen. Mr. Morrison apparently believes that they are going to sit at desks and swing pens.

He complains that there are 6,000 men being assigned to construction service. As a matter of fact, those are men who have to do the roughest kind of field work and must, of course, be soldiers.

He also complains that there are 6,000 men assigned to the Ordnance Corps, and apparently assumes that they are to do clerical work. As a matter of fact, the soldiers in the Ordnance Corps handle the high explosives and repair machine guns and keep track of ammunition and the artillery supplies, and issue them to combat troops. They go with the troops in the field. They are subject to battle action. They must, of course, be a part of the Army. They do not do clerical work. They do soldiers' work.

Mr. Morrison is completely mistaken about the matter. He makes such a point of it as that it will break down our whole theory of civil service and protection of the civil service that I desire to point out that he does not know what a soldier is compelled to do.

Mr. WARREN. Will the Senator yield?

Mr. WADSWORTH. Certainly.

Mr. WARREN. Of course, it is not understandable how he made such a mistake, but there must be some reason. Has the Senator discovered as yet where this mistake has occurred, that these soldier places all the way down should be filled from the civil list of eligibles brought into the Army through the civil service? This soldier clerical force is not like the department clerical forces in the War Department and other departments, who are never called to leave their desks here in Washington. These whom Mr. Morrison enumerates are clerks who are subject to be sent to any part of the country, to an Army headquarters, a division headquarters, where there are adjutants general, inspectors general, and others.

Mr. WADSWORTH. I am sure I do not know the reason. He complains, for example, that 400 men are to be assigned to The Adjutant General's Department and that they are to do clerical work. Of course, those form a portion of the recruiting force, who go out to recruit the Army of the United States. They will be doing Army work, and yet Mr. Morrison believes that they ought to be civil-service employees and not subject to any regular military discipline at all; that the men who drive Army trucks and Quartermaster trucks and Ordnance Department trucks, who go along the shell-beaten roads of France, should be civil-service employees and not subject to military discipline. Of course, he has a complete misconception of the whole thing.

The most ludicrous of his complaints is his contention that 1,200 men assigned to Chemical Warfare Service should not be assigned from the soldiers of the Army. Those are the men who distribute the gas grenades in the front-line trenches and who are the gas troops. It may be that certain kinds of gas can be distributed by civilians, but not that kind of gas. They have to be soldiers and have to be members of the Army under Army discipline.

Mr. Morrison contends that headquarters clerks should be civilian employees, and that we should not have anything like Army field clerks. As a matter of fact, the Army field clerks have to accompany the Army in the field; they go with headquarters, with the regiment or brigade or division, often under fire of the enemy, and some were killed or wounded in the war. They wear uniforms and are subject to military discipline.

Mr. Morrison does not seem to understand that civil-service employees, protected under civil-service regulations, are not subject to military discipline and would be utterly out of place in positions of that sort. From this letter his complete misconception is apparent of what the Army does in its several branches. I merely desire to enter my protest against the contention of the Civil Service Commission to the effect that all these services in the Army should be placed under the Civil Service Commission rather than under the general in command.

Mr. WARREN. One would think, to look at this table of 27,200 men, that his contention is they should all be subject to the Civil Service Commission.

Mr. WADSWORTH. Yes; they must be subject to the Civil Service Commission, according to Mr. Morrison.

Mr. WARREN. They begin with The Adjutant General's, the Inspector General's, the judge advocates' officers, who are appointed officers or enlisted men, and all have passed their military examinations and from time immemorial have been subject to military discipline. All of the Army clerks, field and others, are subject to being sent to the battle front and are expected to do duty under fire if necessary.

Mr. WADSWORTH. Mr. Morrison thinks these men should not be selected for the Army in that way, but that they should be appointed under the civil-service law and appointed for life.

Mr. WARREN. Of course, there is no law which justifies that; but I am sure the president of the board, Mr. Morrison, must be laboring under some misapprehension. It could not be more absurd if they would submit that Senators of the United States ought to be examined by the Civil Service Commission.

Mr. WADSWORTH. That is true.

RECESS.

Mr. SMOOT. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Friday, May 28, 1920) the Senate took a recess until to-morrow, Saturday, May 29, 1920, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 28 (legislative day of May 24), 1920.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

The following-named officer of the Bureau of Foreign and Domestic Commerce in the Department of Commerce to be first assistant director (by promotion from second assistant director):

Charles Eldred Herring, of the District of Columbia, vice Roy S. MacElwee, promoted.

The following-named officer of the Bureau of Foreign and Domestic Commerce in the Department of Commerce to be second assistant director (by promotion from chief of division):

Oliver Paul Hopkins, of Pennsylvania, vice Charles Herring, promoted.

UNITED STATES CIRCUIT JUDGE.

J. Warren Davis, of Trenton, N. J. (now United States district judge), to be United States circuit judge, third judicial circuit, vice Thomas G. Haight, resigned.

UNITED STATES DISTRICT JUDGE.

Joseph L. Bodine, of Trenton, N. J. (now United States attorney), to be United States district judge, district of New Jersey, vice J. Warren Davis, nominated to be circuit judge.

UNITED STATES ATTORNEYS.

James E. Carroll, of St. Louis, Mo., to be United States attorney, eastern district of Missouri, vice W. L. Hensley, resigned, effective June 1, 1920.

Elmer H. Geran, of Matawan, N. J., to be United States attorney, district of New Jersey, vice Joseph L. Bodine, nominated to be United States district judge.

REGISTERS OF LAND OFFICES.

Hubbard H. Abbott, of Colorado, to be register of the land office at Del Norte, Colo., his present term expiring July 24, 1920. (Reappointment.)

Benjamin Spear, of Washington, to be register of the land office at Waterville, Wash., his term having expired. (Reappointment.)

Hilmar Schmidt, of Wisconsin, to be register of the land office at Wausau, Wis., his term having expired. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

George G. E. Neill, of Montana, to be receiver of public moneys at Helena, Mont., vice Frank F. Steele, resigned.

William A. White, of Washington, to be receiver of public moneys at Walla Walla, Wash., his term having expired. (Reappointment.)

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Commander Kenneth M. Bennett to be a captain in the Navy from the 14th day of April, 1920.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1919:

Robert A. Abernathy,

John Downes, and

Harry A. Baldrige.

Lieut. Commander Joseph O. Fisher to be a commander in the Navy from the 23d day of September, 1919.

Lieut. Robert W. Cabaniss to be a lieutenant commander in the Navy from the 1st day of July, 1918.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1919:

Allan S. Farquhar,

Robert C. Giffen,

William T. Smith,

Richard S. Galloway, and

John F. Cox.

Lieut. Cortlandt C. Baughman to be a lieutenant commander in the Navy from the 20th day of July, 1919.

Lieut. Richard F. Bernard to be a lieutenant commander in the Navy from the 7th day of December, 1919.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1919:

Herman E. Keisker,

Arthur G. Robinson,

Chapman C. Todd, jr.,

Hardy B. Page, and

Tunis A. M. Craven.

Lieut. (Junior Grade) Leo H. Thebaud to be a lieutenant in the Navy from the 1st day of July, 1919.

Ensign John D. Small to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1918.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1919:

Arthur T. Emerson and
Charles G. Berwind.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 7th day of December, 1919:

Andrew B. Davidson,
Griffith E. Thomas,
Clyde B. Camerer,
George R. W. French,
William L. Irvine,
Walter A. Bloedorn,
Gardner E. Robertson,
William H. Connor, and
Joseph J. A. McMullin.

The following-named assistant surgeons to be passed assistant surgeons in the Navy with the rank of lieutenant from the 30th day of July, 1919:

Harold L. Jensen,
John P. Owen,
Arthur Freeman,
Harold W. Wellington,
Aubrey M. Larsen,
George B. Tyler,
Thomas C. Anderson, and
Alexander B. Hepler.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy with the rank of lieutenant from the 30th day of July, 1919:

George M. Frazier,
Albert Knox,
Everett K. Patton,
Griffin G. Frazier,
Irvin G. Kohlmeier, and
Richard C. Green.

Assistant Naval Constructor Ralph D. Weyerbacher to be a naval constructor in the Navy with the rank of lieutenant from the 1st day of May, 1920.

The following-named boatswains to be chief boatswains in the Navy from the 16th day of January, 1920:

Melvin C. Kent and
Albert C. Fraenzel.

Lieut. (Junior Grade) Walker P. Rodman to be a lieutenant in the Navy, for temporary service, from the 12th day of July, 1919.

Lieut. (Junior Grade) Stephen W. Burton to be a lieutenant in the Navy, for temporary service, from the 13th day of July, 1919.

Lieut. (Junior Grade) William Kuskey to be a lieutenant in the Navy, for temporary service, from the 14th day of July, 1919.

Capt. Frederick R. Hoyt to be a major in the Marine Corps, for temporary service, from the 10th day of April, 1920.

Capt. Harry W. Weitzel to be a major in the Marine Corps, for temporary service, from the 28th day of March, 1920, to correct the date from which he takes rank as previously nominated and confirmed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28 (legislative day of May 24), 1920.

FEDERAL RESERVE BOARD.

Edmund Platt to be a member of Federal Reserve Board.

RENT COMMISSION, DISTRICT OF COLUMBIA.

Mrs. Clara Sears Taylor.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be lieutenant commander.

Lieut. Frank L. Lowe.

To be captains.

Capt. David F. Sellers,
Capt. Clark D. Stearns, and
Capt. Powers Symington.

First Lieut. David H. Owen to be a captain in the Marine Corps.

Second Lieut. David H. Owen to be a first lieutenant in the Marine Corps.

To be ensigns.

Laurence A. Abercrombie,
William V. Alexander, jr.,
William C. Allison,
Bern Anderson,

Albert S. Arkush,
Arthur De L. Ayrault, jr.,
George H. Bahm,
Harry W. Baltazzi,
Hampden O. Banks,
Morgan C. Barrett,
Virgil K. Bayless,
Edward P. Beach,
Charles H. Belcher,
Louis A. Benoist,
Wilson A. Benoist,
Burton B. Biggs,
Wesley C. Bobbitt,
Max I. Black,
Walter F. Boone,
Joseph F. Bolger,
Roscoe L. Bowman,
Charles E. Booth, jr.,
Wilbur F. Broun,
Harry A. Brandenburger,
William G. Buch,
Heber B. Brumbaugh,
Sydney S. Bunting,
Harry S. Bueche,
Carl H. Bushnell,
John G. Burrow,
Kenneth C. Caldwell,
Ralph E. Butterfield,
Guy Chadwick,
Jesse H. Carter,
Frederick G. Clay,
Nealy A. Chapin,
Oswald S. Colclough,
Howard Clark,
Oliver D. Colvin, jr.,
Sterling T. Cloughley,
William W. Cone,
Paul R. Coloney,
Allen B. Cook,
Arthur D. Condon,
John D. Corrigan,
Clarence V. Conlan,
Thomas O. Cullins, jr.,
Albert G. Cook, jr.,
Richard F. Cross, jr.,
Morton C. Hutchinson, jr.,
John J. Curley, jr.,
Arnold J. Isbell,
Duncan Curry, jr.,
Alan C. Curtiss,
Sampson G. Dalkowitz,
Thomas F. Darden, jr.,
Walter D. David,
Alan P. Davis,
Ransom K. Davis,
William S. G. Davis,
George H. De Baun,
Willard E. Dillon,
Sydney B. Dodds,
Samuel W. DuBois,
James R. Dudley,
Percy Earle,
Harold W. Eaton,
William G. Eaton,
Dew W. Eberle,
Alexander S. Edward,
Frank J. R. Eggers,
John M. Eggleston,
Edward H. Enright,
Charles F. Erck,
Thomas A. Esling, jr.,
William G. Fewel,
William F. Fitzgerald, jr.,
William B. Fletcher, jr.,
James L. Fly, jr.,
Edwin G. Fullinwider,
Daniel V. Gallery, jr.,
Gerard F. Galpin,
Kinloch N. Gardner,
Olin E. Gates,
William A. Gorry,
Alfred M. Granum,
Edwin D. Graves, jr.,
Alexander J. Gray, jr.,
Clark L. Green,

Nathan Green, jr.,
 John F. Grube,
 Elmon B. Guernsey,
 Harry A. Guthrie,
 Edward E. Haase,
 Benjamin L. Hailey,
 William M. Hainer,
 Grover B. H. Hall,
 James E. Hamilton,
 Edgar W. Hampson,
 Byron H. Hanlon,
 Harlo H. Hardy,
 Bryan C. Harper,
 James C. Harris, jr.,
 John W. Harris,
 Walter J. Harrison,
 Leonidas E. Hill, jr.,
 Thaddeus B. Hopper,
 Paul E. Howard,
 Joseph C. Hubbard,
 Howard H. Hubbell,
 Roy C. Hudson,
 John H. P. Hughart, jr.,
 Linfield L. Hunt,
 Ralph B. Hunt,
 Stuart H. Ingersoll,
 Virgil V. Jacomini,
 William B. Jackson, jr.,
 Llewellyn J. Johns,
 Leon J. Jacobi,
 Delamer L. Jones,
 John W. Jamison,
 Allan E. Julin,
 Bascom S. Jones,
 Frederick G. Kahn,
 John G. Jones,
 Marion R. Kelley,
 William W. Juvenal,
 Richmond K. Kelly,
 Brian B. Kane,
 Roland R. Killian,
 William P. Kellogg, 2d,
 Frederick D. Kime,
 Thomas J. Kelly,
 Edward T. Kline,
 William M. Killingsworth,
 Andrew W. Knisley,
 James Kirkpatrick, jr.,
 Lloyd Lafot,
 Charles R. Kloman,
 William G. Lalor,
 Franklin B. Kohrs,
 John E. Lawson, jr.,
 Burton G. Lake,
 Wilson D. Leggett, jr.,
 Philip D. Lampert,
 Maris V. Lewis,
 Andrew P. Lawton,
 Lawrence Litchfield, jr.,
 George A. Leighton,
 Harold E. McCarthy,
 Gerald D. Linke,
 Wayne A. McDowell,
 Leonard Le B. Lyons, jr.,
 William B. McHugh,
 Frank C. McClure,
 Renwick S. McIver,
 Joseph A. McGinley,
 Cecil G. McKinney,
 Francis X. McInerney,
 Heber H. McLean,
 Francis J. McKenna,
 Burns Macdonald, jr.,
 Frank M. McLaury,
 Atherton Macondray, jr.,
 Ralph E. McShane,
 Charles J. Maguire,
 James S. MacKinnon,
 William E. Makosky,
 Charles G. Magruder, jr.,
 William L. Maxson,
 Artyn L. Main,
 De Long Mills,
 Harold L. Meadow,
 Campbell H. Minckler,

William R. Millis,
 Theodore O. Molloy,
 Edward J. Milner,
 Walter E. Moore,
 Lucian A. Moebus,
 Leland W. Morrow,
 Gilbert B. Myers,
 Thomas G. Murrell,
 Christopher Noble,
 Ralph O. Myers,
 Timothy J. O'Brien,
 Kenneth H. Noble,
 John L. B. Olson,
 Clarence E. Olsen,
 Archie Paley,
 Leo L. Pace,
 George H. L. Peet,
 Gordon B. Parks,
 Paul E. Pihl,
 Raymond C. Percival,
 James C. Pollock,
 John E. Pixton,
 Charles R. Pratt,
 William C. Powell,
 William F. Ramsey,
 Joe L. Raichle,
 Paul J. Register,
 William L. Rees,
 Carl H. Reynolds, jr.,
 James C. Reisinger,
 Harry E. Rice, jr.,
 Charles W. Rhodes,
 Francis J. Riley,
 George L. Richmire,
 Kilburn H. Roby,
 James L. Robertson,
 Willis N. Rogers,
 Joseph W. Rodes,
 Paul E. Roswall,
 David B. Rossheim,
 Joe E. Rucker,
 Edward E. Roth,
 Thomas J. Ryan, jr.,
 John C. Rule,
 Joseph O. Saurette,
 Ralph C. Sanson,
 Norman O. Schwien,
 Edwin W. Schell,
 Joseph Seletski,
 Malcolm E. Selby,
 Burce Settle,
 Mortimer E. Serat, jr.,
 Eugene P. Sherman,
 Glenn H. Sheldon,
 Roy M. Signer,
 Carleton Shugg,
 Rodger W. Simpson,
 Roland E. Simpson,
 Edwin F. Smellie,
 Barnett Sisson,
 Sherwood B. Smith,
 Talbot Smith,
 John A. Snackenber,
 Elmer D. Snare,
 Robert C. Sprague,
 Ralph R. Stogsdall, jr.,
 Robert Strite,
 William E. Sullivan,
 Fred Morris, jr.,
 Ralph D. F. Sweeney,
 Donald R. Tallman,
 Wendell G. Switzer,
 Warren F. Taylor,
 Raymond D. Tarbuck,
 Rufus G. Thayer,
 Lyman A. Thackrey,
 Edward M. Thompson,
 Colin J. Thomas,
 Rutledge B. Tompkins,
 Carlton R. Todd,
 Walter S. K. Trapnell,
 Lloyd L. Tower,
 Joseph C. Van Cleve,
 Arnold E. True,
 Claiborne J. Walker,

George van Deurs,
Richard M. Watt, jr.,
John A. Waters, jr.,
William Webster, jr.,
Thomas L. Wattles,
Charles Wellborn, jr.,
Max Wellborn,
Forrest H. Wells,
Timothy F. Wellings,
Charles D. Wheelock,
Robert K. Wells,
Wilbur A. Wiedma,
Charles A. Whiteford,
John H. Willis,
Henry G. Williams,
Paul B. Wishart,
Dwight H. Wilson,
Charles P. Woodson,
John P. Womble, jr.,
George S. Young,
Ray F. Yager,
Thomas E. Zellars,
Parke G. Young,
Carl A. L. Sundberg, and
Rupert M. Zimmerli.

To be a colonel in the Marine Corps.

Lieut. Col. Dickinson P. Hall.

To be a lieutenant colonel in the Marine Corps.

Maj. Charles T. Westcott.

To be a major in the Marine Corps.

Capt. Frederick R. Hoyt.

To be second lieutenants in the Marine Corps.

Henry T. Birmingham,
Hjalmar A. Christensen,
Louis E. Marie, jr.,
Ivan W. Miller,
Joe N. Smith, and
James H. Strother.

POSTMASTERS.

ALABAMA.

Thomas L. Lindsey, Fayette.

ILLINOIS.

Joseph D. Robertson, Barrington.
Edwin C. O'Brien, Barry.
Mack M. Lane, Crete.
Jeremiah J. Carr, Hume.
Frank G. Robinson, El Paso.
Cornelius D. Pautler, Evansville.
Ralph E. Trickle, Rantoul.
Christian Andres, Tinley Park.
George A. Hill, Virginia.
Frank Z. Carstens, Woodriver.

KENTUCKY.

Marvin W. Barnes, Elizabethtown.
William M. Lowery, Fredonia.
Mary Molloy, Kuttawa.
Frank H. Wade, Pembroke.
Loring C. Kackley, Pineville.

MASSACHUSETTS.

James W. Hastings, Duxbury.
Herbert E. Buxton, Shrewsbury.
Walter B. Currier, South Acton.

MINNESOTA.

Alfred E. Hill, Aurora.
George H. Hopkins, Battle Lake.
Hans P. Becker, Hanska.

MONTANA.

Robert Parsons, Sweetgrass.

NEW YORK.

Guy O. Hinman, Angelica.
Frank M. Evans, Fredonia.

NORTH DAKOTA.

Evelyn Johnson, Bowbells.
Walter M. Moore, Forbes.

OKLAHOMA.

Mary L. Whaley, Eldorado.
William M. Erwin, Pauls Valley.
Alva G. Sweezy, Quapaw.

PENNSYLVANIA.

Andrew E. Hildebeitel, Souderton.

PORTO RICO.

Jose M. Alcover, Arecibo.
Moises Jordan, Utuado.

SOUTH DAKOTA.

Harry A. Briggs, Ipswich.
William L. Lowry, Leola.
William R. Amoo, Morristown.

TENNESSEE.

Connell G. Byrd, Adams.
Walter W. Price, Oneida.
Bessie P. Downing, South Pittsburg.

WISCONSIN.

Homer J. Samson, Cameron.
Adlai S. Horn, Cedarburg.
Ernest R. Nickel, Chippewa Falls.
Lawrence P. Miller, Hortonville.
George A. Slaiken, Luck.
Leo E. Butenhoff, Markesan.
Anton C. Martin, Neillsville.
Paul Herbst, Park Falls.
Percy L. Miner, Pepin.
Wilber E. Hoelz, Random Lake.
Alvin L. Olson, Scandinavia.
Roy D. Larrieu, Spring Valley.
Hans P. Hansen, Withee.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 28 (legislative day of May 24), 1920.

PROMOTION IN THE NAVY.

Capt. Frederick R. Hoyt to be a major in the Marine Corps, for temporary service, from the 28th day of March, 1920.

REJECTION.

Executive nomination rejected by the Senate May 28 (legislative day of May 24), 1920.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

John Van Schaick, jr., to be a Commissioner of the District of Columbia.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 28, 1920.

The House met at 12 o'clock noon.

The SPEAKER. The House will be in order and—

Mr. MURPHY. Mr. Speaker, I think there ought to be a quorum present to hear this prayer this morning, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. There is no quorum present—

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Booher	Evans, Nev.	Kless	Riddick
Bowers	Flood	Kitchin	Rucker
Britten	Gould	Kraus	Scully
Burke	Graham, Pa.	Kreider	Sears
Cantrill	Greene, Vt.	Lankford	Shreve
Carter	Hardy, Tex.	Larsen	Small
Clark, Fla.	Hastings	Lea, Calif.	Smithwick
Cole	Haugen	McCulloch	Snell
Costello	Hayden	McPherson	Snyder
Crisp	Hernandez	Mansfield	Sullivan
Curry, Calif.	Hill	Mason	Tillman
Dale	Houghton	Moore, Va.	Upshaw
Dempsey	Hulings	Morin	Voigt
Drane	Igoe	Mudd	Wheeler
Drewry	Johnson, S. Dak.	Nicholls	Wilson, La.
Eagle	Jones, Pa.	Nolan	Wright
Edmonds	Kelley, Mich.	Parker	Yates
Ellsworth	Kennedy, Iowa	Pou	Young, N. Dak.
Elston	Kettner	Rhodes	

The SPEAKER. Three hundred and fifty Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

Mr. MURPHY. Mr. Speaker, I object.

The question was taken; and the Speaker announced the ayes seemed to have it.

Mr. MURPHY. Division, Mr. Speaker.

The House divided; and there were—ayes 220, noes 1.

So further proceedings under the call were dispensed with.

The SPEAKER. The Doorkeeper will open the doors and the Chaplain will offer prayer.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, in whom we live, aspire, and pray, cleanse us, we beseech Thee, from all guile, pour down upon us Thy spiritual gifts, that we may hallow Thy name in all that we undertake this day and thus honor ourselves by honoring Thee. In the spirit of the world's Great Exemplar. Amen.

THE JOURNAL.

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

The Clerk proceeded to read the Journal.

Mr. MURPHY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURPHY. I ask that the Journal be read in full.

The SPEAKER. The Clerk will read the Journal in full.

Mr. MURPHY. The names and roll calls.

The Clerk proceeded to read the Journal.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with the further reading of the Journal in full.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with the further reading of the Journal. Is there objection?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, I would like to know whether or not the gentleman from Wyoming has conferred with my colleague [Mr. MURPHY], who stepped out. He demanded a reading of the Journal in full.

Mr. GALLIVAN. Well, Mr. Speaker, I object.

Mr. WALSH. Mr. Speaker, I move that the Journal stand approved without further reading.

The SPEAKER. The Chair does not think that is in order. The Clerk will read.

The Clerk proceeded with the reading of the Journal.

Mr. ANDERSON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. ANDERSON. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. MURPHY. Mr. Speaker, I object.

The SPEAKER. Objection is made.

The Clerk proceeded with and concluded the reading of the Journal.

The SPEAKER. Without objection, the Journal will be considered as approved.

Mr. MURPHY. Mr. Speaker, I object.

Mr. FESS. Mr. Speaker, I move that the Journal be adopted as read.

The SPEAKER. The gentleman from Ohio moves that the Journal be approved.

The question was taken, and the Speaker announced the ayes had it.

Mr. MURPHY. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 231, noes 2.

So the Journal of the proceedings of yesterday was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties; to provide for the improvement of navigation; for the development of water power; for the use of lands of the United States in relation thereto; to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

PEACE WITH GERMANY.

The SPEAKER. Under the special order the reconsideration of House joint resolution 327, vetoed by the President, is considered as pending in the House; and before that motion is put the Chair will state that the gentleman from Pennsylvania is entitled to recognition if he desires it. Does the gentleman desire recognition?

Mr. PORTER. Yes.

The SPEAKER. The gentleman from Pennsylvania.

Mr. PORTER. Mr. Speaker, primarily, I desire to direct attention to the fact that nowhere in the President's message appears an intimation that the resolution is unconstitutional.

The President carefully avoided the untenable position that a war could only be ended by a treaty of peace. I pause here to express my sympathy and condolence for those profound students of constitutional law who argued both earnestly and eloquently that Congress was without the authority to terminate a state of war other than by a treaty of peace. I hope that the failure of the President in not even mentioning the word "Constitution" may not disturb the confidence which his eminent followers have in their opinions on constitutional law. Perhaps I am unduly alarmed. It should be a source of deep gratification to those who, without precedent as a guide, believed that Congress, which has the power to declare war, to raise and support an army, to provide and maintain a navy, to take the sunshine and happiness out of our American homes and place them on the battle front, and employ other means for the successful prosecution of a war, has also the power to declare that war at an end; that, after all, common sense is constitutional and prevails as the law of the land [applause on Republican side]; that the Constitution of the Republic does not place the sole and exclusive authority to terminate a war in the hands of one person; and that the power and authority in such vital matters still rest in the hands of the chosen representatives of the American people. [Applause on Republican side.] The mother of republics does not need precedents; she makes them.

The pending resolution provides for the termination of all the war legislation, and that such termination shall not waive any of the rights, privileges, indemnities, reparations, or advantages to which our country and its nationals are entitled by reason of our participation in the war, and that all matters in dispute shall be adjusted by a treaty of peace duly ratified by the Senate. In other words, and I desire to emphasize this point, it has only one object, and that is to remove the blighting influence of this war legislation from the activities of the American people and suspend the rights of the belligerents until a treaty has been duly ratified.

The President says in his message:

I have not felt at liberty to sign this joint resolution because I can not bring myself to become party to an action which would place an inextinguishable stain upon the gallantry and honor of the United States.

[Applause on Democratic side.]

The President is grievously in error in this assertion. [Applause on Republican side.] Is it not a fact that unless we succeed in overriding his veto, thus terminating the technical state of war and restoring the country to its prewar condition, will not the inextinguishable stain be upon the liberties of the American people and not on their gallantry and honor?

The President says:

The resolution seeks to establish peace with the German Empire without exacting from the German Government any action by way of setting right the infinite wrongs which it did to the peoples whom it attacked and whom we professed it our purpose to assist when we entered the war.

The peoples whom Germany attacked and whom we professed it our purpose to assist when we entered the war have all made treaties of peace with Germany, and it must be assumed that all their demands have been satisfied. If they are content with the exactions which they made of the German Government, should we further concern ourselves over the matter [applause on Republican side], and upon what basis of reasoning should the relations between Germany and the Allies be an argument against the repeal of war legislation by the United States?

The President says:

The attainment of these purposes is provided for in the treaty of Versailles by terms deemed adequate by the leading statesmen and experts of all the great peoples who were associated in the war against Germany. Do we now not care to join in the effort to secure them?

The fact that the terms of the treaty of Versailles are deemed adequate by the leading statesmen and experts of all the great peoples who were associated with us in the war against Germany is of little weight with the American people. Their sole concern is whether or not the terms are adequate and sufficient to protect the rights of the United States, and they insist that the Senate of the United States shall be the sole judge of the adequacy of such terms. [Applause of the Republican side.] This paragraph also conveys the impression in a most subtle way that the controversy between the President and the Senate is on the terms and conditions of the treaty of peace, when the fact is that there are no disputes about the terms and conditions. The disagreement is on the League of Nations, which was improperly made a part of the treaty.

Again we read:

But the treaty as signed at Versailles has been rejected by the Senate of the United States, though it has been ratified by Germany. By that rejection and by its methods we have in effect declared that we

wish to draw apart and pursue objects and interests of our own unhampered by any connections of interest or of purpose with other Governments and peoples.

Is this not far from being a fair statement of the reasons for rejecting the treaty, as we all know the sole reason for its rejection was the patriotic desire on the part of the Senate to protect and conserve American sovereignty? [Applause on the Republican side.]

The President complains, mark you, that—

Notwithstanding the fact that upon our entrance into the war we professed to be seeking to assist in the maintenance of common interests, nothing is said in this resolution about freedom of navigation upon the seas or the reduction of armaments, or the vindication of the rights of Belgium, or the ratification of wrongs done to France, or to the release of the Christian populations of the Ottoman Empire from the intolerable subjugation which they have had for so many generations to endure, or the establishment of an independent Polish State.

The freedom of navigation upon the seas was one of the 14 points announced by the President at Mount Vernon which he abandoned at the peace table. [Applause on the Republican side.] The rights of Belgium have been vindicated, at least to the satisfaction of the Belgian people, as they have signed a treaty of peace with Germany. The same is true of France. The reference to the release of the Christian population of the Ottoman Empire from the intolerable subjugation which they have had for so many generations to endure has as little place in the pending resolution as a reference to the Christian population of Mexico, which, through "watchful waiting," has suffered from intolerable subjugation as great as if not greater than that of the Christian people of the Ottoman Empire. [Applause on the Republican side.] The President states that we do not mention the establishment of an independent Polish State, when the fact is that he recognized the independence of the Polish Republic in March, 1919, and our Diplomatic and Consular appropriation bill carries an item for diplomatic representation in that country. The freedom of the seas, the rights of Belgium, France, the Christian populations of the Ottoman Empire, or the freedom of Poland are questions so clearly irrelevant to the pending resolution that further discussion is unnecessary.

The President says:

We have now in effect declared that we do not care to take any further risks or to assume any further responsibilities with regard to the freedom of nations or the sacredness of international obligation or the safety of independent people.

I concede, as a Member of the House of Representatives of the United States of America, that I do not desire to take any further risks or assume any further responsibilities with regard to the freedom of other nations, but I deny that a simple resolution repealing war legislation and holding all of the rights of the belligerents in abeyance until a treaty of peace has been duly signed and ratified interferes with the sacredness of international obligation or the safety of independent people. [Applause on the Republican side.]

The President says:

Moreover, when we entered the war we set forth very definitely the purposes for which we entered, partly because we did not wish to be considered as merely taking part in the European contest. This joint resolution which I return does not seek to accomplish any of these objects, but in effect makes a complete surrender of the rights of the United States so far as the German Government is concerned.

[Applause on the Democratic side.]

It is true that the President journeyed to Mount Vernon, and there, in the shadow of the tomb of Washington, announced our objects in entering the war. They have been referred to as the 14 points. On his return from the peace conference we found many of these had been lost "in transit," among which were freedom of the seas and naval disarmament, and if there has been a complete surrender of the rights of the United States in these matters so far as the German Government is concerned, the fault lies alone with the President. However, the resolution does not surrender any rights of the United States; on the contrary, it conserves and protects them, as section 3 provides:

SEC. 3. That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States, although it has not ratified the treaty of Versailles, does not waive any of the rights, privileges, indemnities, reparations, or advantages to which it and its nationals have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof which under the treaty of Versailles have been stipulated for its benefit as one of the principal allied and associated powers and to which it is entitled.

During the debate on the resolution and the motion to concur in the Senate amendments, followers of the President loudly proclaimed their desire for an immediate repeal of all the war legislation; in fact, they went so far as to make a motion to recommit the resolution with instructions to report one which provided only for such repeal. The President in his message fails to mention this action on the part of his party followers; therefore, it is safe to assume that he repudiates it. It places them in the same position as those other followers who so earnestly argued that the resolution was unconstitutional.

But why prolong the discussion? The message is a plain attempt to avoid the subject matter of the resolution by taking advantage of the lofty motives of the American people and leading them into the underbrush of sentimental idealism which is beautiful and attractive in theory but extremely dangerous in practice, especially in these days when the world is on fire. The American people awaited the President's answer to this resolution, which would restore their liberties, with deep interest and grave concern. We received his answer yesterday. It is silence. Nowhere in the message does the President either expressly or by implication ratify the motion to recommit, offered by his leader in the House, or indicate a desire that these great powers which, under the unbroken policy of our former war-time Presidents, have been immediately relinquished at the close of war, shall be withdrawn from him. His silence on this great and important matter, coupled with the fact that he is not willing to accept the reservations to the treaty of peace which were adopted by the Senate by a vote of 49 to 35, and the farther fact that he is willing to use the presidential veto to thwart the wishes of practically two-thirds of the House of Representatives for the repeal of his war powers, admits of but one inference, and that is that he intends to retain and continue to use these drastic war laws as a means of compelling the Senate of the United States to surrender its prerogatives and ratify the treaty without crossing a "t" or dotting an "i" on terms deemed adequate, as the President says in his message, by the leading statesmen and experts of Europe and Asia.

This is the real issue, and I for one am ready and willing to take it to the country. [Applause on Republican side.]

Does the gentleman from Virginia desire some time?

Mr. FLOOD. Yes; I would like to have a little time. How much will the gentleman let me have?

Mr. PORTER. How much time does the gentleman want?

Mr. FLOOD. I would like to have half of the time that is to be consumed.

Mr. PORTER. I yield 20 minutes to the gentleman from Virginia.

Mr. FLOOD. I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY. Mr. Speaker and gentlemen of the House, the gentleman from Pennsylvania [Mr. PORTER], in one of his characteristic tirades against the President of the United States, has delivered the Republican expression on the veto message. The gentleman is sorely distressed, he is troubled in spirit, because the President did not again point out that this resolution is wholly unconstitutional. The President, whatever may be said of him, can not be charged with a lack of perspicacity or power to sense the purposes behind this measure. He knew it would do not good to call the attention of a Republican Congress to the fact that the resolution was unconstitutional. [Applause on the Democratic side.] He knew that the Republican side of this Chamber when forced to choose between the Constitution and the expediency of practical partisan politics would not heed the Constitution. [Laughter on the Democratic side.]

Ah, the gentleman from Pennsylvania again complains and says that the President, by his veto message, makes it impossible for Congress to repeal restrictive war measures. I challenge the gentleman from Pennsylvania now to rise in his place and name one war measure that should be repealed? Ah, the gentleman from Wyoming [Mr. MONDELL] from his official place counsels and commands the gentleman from Pennsylvania not to rise.

Mr. PORTER. Will the gentleman yield? My reply is, All of them. [Applause on the Republican side.]

Mr. CONNALLY. I will say to the gentleman from Pennsylvania that I expected that response. I invited that response. [Laughter on the Republican side.] And my response to the jeers of the Republican side is that if you desire the repeal of all the war measures, you have had a year in which to repeal those measures. [Applause on the Democratic side.] The Republican side of this House has had one year in which to repeal every measure upon the statute books which was imposed by the necessities of war. But you chose to fritter away the time that was yours in playing petty politics. [Applause on the Democratic side.] You chose, instead of bringing in resolutions repealing these measures one by one, or by bringing in a joint resolution repealing them all, to try to keep the country under the fiction or belief that you were hampered by the President; that you were prevented by the President from resuming prewar conditions, and from going back to prewar legislation. Ah, you may try to fool yourself, but you will not fool the American people, because even laymen know that any piece of legislation which can be enacted by Congress can be

repealed by Congress. [Applause on the Democratic side.] I challenge the gentleman from Pennsylvania [Mr. PORTER] and the gentleman from Wyoming [Mr. MONDELL] to bring in now a resolution repealing war statutes. I want to show you, though, that you are not sincere. I want to expose the fraud of this pretense that you are practicing. [Applause on the Democratic side.]

Why do you make this pretense? Because you know the President under his oath of office is required to veto this resolution because of its unconstitutionality. You never expected that war measures would be repealed. You do not want them repealed. [Laughter on the Republican side.] Well, why do you not repeal them? [Applause on the Democratic side.] All the Republican Party is interested in is— [Cries of "Peace! Peace!"] Oh, peace! You have not peace in your own ranks. [Applause on the Democratic side.] Why, the gentleman from Wyoming [Mr. MONDELL] wears a crown of paper. [Applause on the Democratic side.] You bring your family squabbles on the floor day after day and expose them to public view. The gentleman from Iowa [Mr. GOOD], the chairman of the Committee on Appropriations, and the gentleman from Wyoming [Mr. MONDELL] do not properly mesh. They quarrel on the floor. All day yesterday you had a filibuster engineered by one of your factions, and this morning we have symptoms of it again, because you have both a majority and a minority on the Republican side of this Chamber. You meet yourselves coming back whenever you start down the legislative road. [Applause on the Democratic side.] What you are interested in is not the repeal of these laws, but the creation in the public mind of the belief that you want them repealed. [Applause on the Democratic side.] If you really want them repealed, introduce a resolution to simply repeal them. It can pass the House, if you will it. It can pass the Senate. And I believe I am almost authorized to state for this side of the House [laughter on the Republican side]—I am not like the Republican side. Everybody over on this side is not a leader. You have some two hundred and odd leaders. [Applause on the Republican side and cries of "Hurrah for leaders!"] Each man appoints himself a leader. [Applause on the Democratic side.] If you will pass a resolution simply repealing war measures, and the President should by any chance, which I do not anticipate, veto it [laughter on the Republican side], this side of the House will assist you in passing it over his veto.

Mr. MONDELL. Is that a pledge?

Mr. CONNALLY. I will not make a pledge with anyone who has not the authority to carry out the contract. I will have to see the power of attorney of the gentleman from Wyoming to act for his side in order to be able to take the word of the gentleman as to what his side will do.

Mr. MONDELL. Will you give your word as to what that side will do?

Mr. CONNALLY. I am not the leader on this side. But I will say to the gentleman from Wyoming that this side of the House did not hesitate to override the President's veto on the daylight-saving bill. The Democratic side of the House did not hesitate to override the veto on the immigration bill, and it will not hesitate to override the veto of the President on any other measure which appeals to the conscience and the judgment of the Democrats of this House. [Applause on the Democratic side.]

Mr. STEVENSON. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. STEVENSON. I just wanted to call the gentleman's attention to the fact that in the veto of the war-time prohibition legislation the President called the attention of the Congress to the fact that he asked that you repeal all war-time legislation that was unnecessary early in the session.

Mr. CONNALLY. I thank the gentleman from South Carolina for that suggestion, and I may observe that, like all other suggestions from the President, the Republican side of this House is deaf to them absolutely if they affect legislation. He made some suggestions last August.

Mr. WILLIAMS. And that is why we are here.

Mr. CONNALLY. I will say to the gentleman from Illinois that he is perhaps correct. [Applause on the Republican side.] I want to say that, so far as what his side of the House has accomplished, it might just as well have been at home as here. [Applause on the Democratic side.]

I yield back the balance of my time. [Applause on the Democratic side.]

Mr. FLOOD. Mr. Speaker, I yield one minute to the gentleman from Louisiana [Mr. WATKINS].

The SPEAKER. The gentleman from Louisiana is recognized for one minute.

Mr. WATKINS. Mr. Speaker, in the limited time in which we have to consider this veto message, it is perfectly impossible to go into details giving reasons why the veto of the President should be sustained. We all understand that there are three principal reasons why the peace resolution was brought to the House of Representatives for initiation. Under the Constitution of the United States treaties are to be ratified by a two-thirds vote of the Senate. They shifted that responsibility and put it on the House of Representatives because of the fact that there were not enough in the Senate favoring the peace treaty to get the two-thirds majority. That was one of the reasons why they shifted the responsibility.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. WATKINS. Mr. Speaker, I ask permission to extend and revise my remarks.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. MANN of Illinois. I object, Mr. Speaker.

Mr. PORTER. Is the gentleman from Virginia going to continue now? I hope he will use some of his time.

Mr. FLOOD. Mr. Speaker, this is the last act in the pitiful drama of the Republican leadership of this session of Congress with the peace situation of the world. The gentleman from Pennsylvania [Mr. PORTER] said that the only object the Republican leaders of the Senate had in the amendments they put on the peace treaty was to secure a treaty that was American in its form. If that was the object, Mr. Speaker, and politics was not their object, I would like to ask the gentleman why the Foreign Relations Committee of the Senate, that had to deal with the peace treaty, was packed with men known to be against any peace treaty before that treaty was made? [Applause on the Democratic side.]

Mr. MANN of Illinois. Mr. Speaker—

Mr. FLOOD. I do not yield.

Mr. MANN of Illinois. I am not asking the gentleman to yield. Mr. Speaker, I make the point of order that the gentleman is making a statement directly reflecting upon the Senate of the United States, which he ought to know better than to make.

Mr. FLOOD. It is not my statement that reflects on the Senate. It was the action of the Republican majority that reflected on that august body. My statement is perfectly proper.

The SPEAKER. The attention of the Chair was diverted for a moment, and the Chair did not hear what the gentleman from Virginia said. But, of course, the gentleman from Virginia knows that it is the rule that it is not proper to say anything reflecting upon the Senate.

Mr. MANN of Illinois. I make the point of order because we have got into the habit of doing this. It ought not to be done, and I hope the gentleman from Virginia will not say things that may cause trouble between the two Houses.

Mr. FLOOD. I will not. I will only cite what was done. If what was done causes trouble between the House and Senate, I can not help that. [Applause on the Democratic side.]

I know this, Mr. Speaker, that while the treaty was in the making, and before the Republicans of the Senate could have known what was in it, a round robin was sent by nearly one-third of them, pledging themselves to vote against any treaty that the Democratic President should negotiate. [Applause on the Democratic side.] That is a matter of public record.

The gentleman from Pennsylvania [Mr. PORTER] says this resolution provides for the repeal of war legislation. The Republican majority of this House has voted, every time it has had an opportunity, against every resolution for the repeal of war legislation that could have become a law. [Applause on the Democratic side.]

When the peace resolution that the gentleman from Pennsylvania [Mr. PORTER] introduced in the House, very different from this one, was before us, I offered a motion to recommend, repealing all of this war legislation. Gentlemen on that side knew that if they voted for it it would pass and would receive the signature of the President, yet they voted almost solidly against it. [Applause on the Democratic side.] That vote convicted the Republican Party of being opposed to the repeal of war legislation. The Republicans presented a resolution with a provision for the repeal of war legislation which those who spoke in favor of it declared the President would veto, and they knew they could never pass that resolution over his veto. Their claim that they are in favor of the repeal of war-time legislation has been insincere, and they do not stand for it to-day. [Applause on the Democratic side.]

If you are in favor of the repeal of such legislation, introduce a general resolution repealing it, or introduce specific measures of repeal and stay here and enact those repeal measures and do not run away as you are going to do on the 5th of June. [Applause on the Democratic side.]

Mr. Speaker, there are so many phases of this peace resolution that are improper, that are unconstitutional, that are un-American, that are against the interests of this country, that no man could discuss it fully in the time that has been allotted in this debate. The President has given ample and sufficient reasons why every patriotic American should vote against overriding his veto upon this proposition. [Applause on the Democratic side.]

Gentlemen have discussed it here at great length, but I want to call attention to some phases of this resolution that have not heretofore been discussed here. We received very little in a material way out of this war. One thing we did get was the German ships which happened to be in our ports and which we seized. Our only title to those ships is under the treaty of Versailles. They have never been through a prize court. If they sail into any port of the world, they could be libeled there, and we would lose them. This resolution practically surrenders our right to those ships.

We have \$500,000,000 worth of alien property in the hands of our Alien Property Custodian, kept there to pay the claims of Americans who suffered in the *Lusitania* murder and other outrages at the hands of the German Government during the war, before we entered it, and since. The enactment of this resolution absolutely denies those people any opportunity of getting reparation from that Government which has done our citizens so much damage.

I state it as a principle of international law that gentlemen on the other side will not dare to contest that you can not take enemy property for the satisfaction of private claims against the enemy without the consent of the enemy government.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GOOD. I will say to the gentleman that Admiral Benson, appearing before the Committee on Appropriations, said that our title was absolute in those ships by a previous treaty with Germany, and that there was no question at all about our right to sell them; that our right to them was perfect.

Mr. FLOOD. Admiral Benson knows more about the sailing of a ship than he knows about international law. [Applause on the Democratic side.] That principle that I have referred to is an unassailable principle, and here the Republican Party comes before the country and before the Congress and proposes to give up this fund that we have held to pay those Americans who have been outraged and maltreated by the German Government. The loved ones of the victims of the *Lusitania* infamy and those on board that ill-fated ship who survived have properly expected recompense out of these funds. Thousands and thousands of Americans have had this expectation. And we are asked to absolutely surrender the rights of these outraged people, which rights were so carefully guarded by President Wilson in making the Versailles treaty. So essential was it to get Germany's assent to our use of that property for that purpose that it was incorporated in that treaty. This right the Republican majority are surrendering, either from ignorance or cowardice. [Applause on the Democratic side.] The people of this country will not forget such a betrayal of these rights. [Applause on Democratic side.]

The United States has an immediate interest in the proceedings of the reparation commission provided for by the treaty and which is in no way taken care of by this resolution. This commission has control over the payment by Germany of the cost of the armies of occupation, including our own. If we are dependent for our status of peace upon this resolution, I fail to see how we could be able to demand reimbursement for the cost of our armies of occupation, which amounts to many millions. These millions are surrendered by this Republican majority, who are constantly prating here about their economy. [Applause on Democratic side.]

This resolution gives to Germany and her nationals all of the rights they would have had if the United States had ratified the treaty of Versailles. Under this treaty Germany can become a member of the League of Nations, and, having under this resolution all the rights it would have had under the treaty when it became a member of the League of Nations, it would be entitled to assert against the United States the same rights which any other nation would have been entitled to assert against this Government had our country ratified the treaty. We would thus be in the position of being compelled to protect the independence and territorial integrity of Germany against the aggressions of any or all of our former allies. We would be

bound to carry out article 10 of the League of Nations with reference to Germany if this resolution became law. We would thus be extending to Germany a protection and rights which the leadership of the Senate have so violently proclaimed that we would never extend to any nation on the face of the earth. We have refused to enter into any such obligations with our allies, and yet by this resolution we propose to give the benefits of those obligations to Germany. [Applause on Democratic side.]

Mr. Speaker, I believe every thoroughly patriotic man in this House will vote to sustain the President's veto of this resolution. I hope every Member will do so. [Applause on Democratic side.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, the resolution before us, if it became a law, would fix the date of the repeal of the war-time laws. If the Democratic side is in favor of peace, if the Democratic side is in favor of repealing the war-time laws, the Democratic side must vote with us to override the President's veto. [Applause on the Republican side.] If they do not, they give the lie to all their protestations of a desire to establish peace, of a desire to take from the President the extraordinary powers which the war-time laws have given him.

The President evidently cares not for peace. His sole desire is to have his way in the surrender of American sovereignty by the acceptance of the overlordship of the League of Nations. The Senate of the United States declines to be a party to that surrender, and in order that the gentlemen on the Democratic side might have the opportunity to join with us in the establishment of peace, in the return to normal peace conditions of law, this resolution was presented. If, as the gentleman from Texas has stated, the Democratic side is in favor of the repeal of the war laws, here is your chance to prove it by voting with us.

The gentleman from Texas [Mr. CONNALLY] has said he is in favor of the repeal of the war laws, that the Democratic side would join in overriding the President's veto of the repeal of the war laws. Here is his chance and your chance right here and now. [Applause.] I call on the Democratic side to let us know whether they propose to make good the pledge the gentleman just made in their behalf.

We are for peace. We are for the restoration of normal conditions, and will prove it by our votes to override the veto. [Applause.]

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. PORTER. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration pass the resolution, the objections of the President to the contrary notwithstanding. The Constitution requires that this vote shall be taken by the yeas and nays. As many as are in favor will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 220, nays 152, answered "present" 1, not voting 54, as follows:

YEAS—220.

Ackerman	Currie, Mich.	Goodykoontz	King
Anderson	Dallinger	Graham, Ill.	Kinkaid
Andrews, Md.	Darrow	Green, Iowa	Kleccka
Andrews, Nebr.	Davis, Minn.	Greene, Vt.	Knutson
Anthony	Dempsey	Griest	Kraus
Ashbrook	Denison	Hadley	Lampert
Bacharach	Dickinson, Iowa	Hamilton	Layton
Baer	Dooling	Hardy, Colo.	Lehlbach
Barbour	Dowell	Harreid	Little
Begg	Dunbar	Haugen	Longworth
Benham	Dunn	Hawley	Luce
Bland, Ind.	Dyer	Hays	Lufkin
Boles	Echols	Hersey	Luhning
Britten	Elliott	Hickey	McArthur
Brooks, Ill.	Emerson	Hicks	McFadden
Brooks, Pa.	Esch	Hill	McKenzie
Browne	Evans, Nebr.	Hoch	McKinley
Burdick	Fairfield	Houghton	McKinley
Burroughs	Fess	Hull, Iowa	McLane
Butler	Focht	Husted	McLaughlin, Mich.
Caldwell	Fordney	Hutchinson	McLaughlin, Nebr.
Campbell, Kans.	Foster	Ireland	MacCrate
Cannon	Frear	James	MacGregor
Carew	Freeman	Jefferis	Madden
Chindblom	French	Johnson, Wash.	Magee
Christopherson	Fuller, Ill.	Juul	Maher
Classton	Gallivan	Kahn	Mann, Ill.
Cooper	Ganly	Kearns	Mapes
Copley	Garland	Keller	Mead
Crago	Glynn	Kelly, Pa.	Merritt
Cramton	Goldfogle	Kendall	Michener
Crowther	Good	Kennedy, Iowa	Miller
Cullen	Goodall	Kennedy, R. I.	Monahan, Wis.

Mondell	Ramsey	Sinclair	Towner
Moore, Ohio	Randall, Calif.	Sinnott	Treadway
Moore, Ind.	Randall, Wis.	Slemp	Valle
Morgan	Reavis	Smith, Idaho	Vare
Mott	Reber	Smith, Ill.	Vestal
Murphy	Reed, N. Y.	Smith, Mich.	Voigt
Nelson, Wis.	Reed, W. Va.	Steenerson	Volstead
Newton, Minn.	Ricketts	Stephens, Ohio	Walsh
Newton, Mo.	Riddick	Stiness	Walters
Nolan	Robison, Ky.	Strong, Kans.	Ward
O'Connell	Rodenberg	Strong, Pa.	Wason
O'Connor	Rogers	Summers, Wash.	Watson
Ogden	Rose	Sweet	Webster
Olney	Rowe	Swope	Wheeler
Osborne	Sanders, Ind.	Tague	White, Kans.
Paige	Sanders, N. Y.	Taylor, Tenn.	White, Me.
Peters	Sanford	Temple	Williams
Platt	Schall	Thompson	Wilson, Ill.
Porter	Scott	Tilson	Winslow
Purnell	Sells	Timberlake	Wood, Ind.
Radcliffe	Sherwood	Tincher	Woodyard
Ramsey	Siegel	Tinkham	Zihlman

NAYS—152.

Almon	Donovan	Larsen	Raker
Aswell	Doremus	Lazaro	Rayburn
Ayres	Doughton	Lee, Calif.	Riordan
Babka	Drewry	Lee, Ga.	Robinson, N. C.
Bankhead	Dupré	Leshner	Romjue
Barkley	Eagan	Linticum	Rouse
Bee	Ferris	Loneran	Rowan
Bell	Fisher	McAndrews	Rubey
Benson	Flood	McClintic	Sabath
Black	Fuller, Mass.	McDuffie	Sanders, La.
Blackmon	Gallagher	McGlennon	Sims
Bland, Mo.	Gandy	McKeown	Sisson
Bland, Va.	Gard	Major	Smith, N. Y.
Blanton	Garner	Mann, S. C.	Steagall
Box	Garrett	Martin	Stedman
Brand	Godwin, N. C.	Mays	Steele
Briggs	Goodwin, Ark.	Milligan	Stephens, Miss.
Brisson	Griffin	Minahan, N. J.	Stevenson
Brumbaugh	Hamill	Montague	Stoll
Buchanan	Hardy, Tex.	Moon	Sumners, Tex.
Byrnes, S. C.	Harrison	Mooney	Taylor, Ark.
Byrnes, Tenn.	Heflin	Moore, Va.	Taylor, Colo.
Campbell, Pa.	Hersman	Neely	Thomas
Candler	Hoe	Nelson, Mo.	Upshaw
Caraway	Holland	Nicholls	Venable
Carrs	Howard	Oldfield	Vinson
Casey	Hudspeth	Oliver	Watkins
Clark, Mo.	Hull, Tenn.	Overstreet	Weaver
Cleary	Humphreys	Padgett	Welling
Coady	Jacoway	Park	Welty
Collier	Johnson, Ky.	Parrish	Whaley
Connally	Johnson, Miss.	Pell	Wilson, La.
Davey	Johnston, N. Y.	Phelan	Wilson, Pa.
Davis, Tenn.	Jones, Tex.	Pou	Wingo
Dent	Kelley, Mich.	Quin	Wise
Dewalt	Kinchelee	Quincy, Ala.	Woods, Va.
Dickinson, Mo.	Lanham	Rainey, H. T.	Wright
Dominick		Rainey, J. W.	Young, Tex.

ANSWERED "PRESENT"—1.

Langley.

NOT VOTING—54.

Booher	Ellsworth	Jones, Pa.	Rucker
Bowers	Elston	Kettner	Scully
Burke	Evans, Mont.	Kless	Sears
Cantrill	Evans, Nev.	Kitchin	Shreve
Carter	Gould	Kreider	Small
Clark, Fla.	Graham, Pa.	Lankford	Smithwick
Cole	Greene, Mass.	McCulloch	Snell
Costello	Hastings	McPherson	Snyder
Crisp	Hayden	Mansfield	Sullivan
Curry, Calif.	Hernandez	Mason	Tillman
Dale	Huddleston	Morin	Yates
Drane	Hullings	Mudd	Young, N. Dak.
Eagle	Igoe	Parker	
Edmonds	Johnson, S. Dak.	Rhodes	

So, two-thirds not voting in the affirmative, the House refused to pass the resolution, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

Mr. MASON and Mr. McCULLOCH (to override veto) with Mr. HAYDEN (to sustain veto).

Mr. BURKE and Mr. EDMONDS (to override veto) with Mr. EAGLE (to sustain veto).

Mr. JONES of Pennsylvania and Mr. KREIDER (to override veto) with Mr. SMALL (to sustain veto).

Mr. LANGLEY and Mr. GREENE of Massachusetts (to override veto) with Mr. CLARK of Florida (to sustain veto).

Mr. YATES and Mr. GOULD (to override veto) with Mr. SCULLY (to sustain veto).

Mr. HERNANDEZ and Mr. ELSTON (to override veto) with Mr. CARTER (to sustain veto).

Mr. CURRY of California and Mr. GRAHAM of Pennsylvania (to override veto) with Mr. IGOE (to sustain veto).

Mr. RHODES and Mr. SNYDER (to override veto) with Mr. TILLMAN (to sustain veto).

Mr. SNELL and Mr. KIESS (to override veto) with Mr. KITCHIN (to sustain veto).

Mr. SHREVE and Mr. SULLIVAN (to override veto) with Mr. MANSFIELD (to sustain veto).

Mr. MORIN and Mr. COLE (to override veto) with Mr. HASTINGS (to sustain veto).

Mr. DALE and Mr. YOUNG of North Dakota (to override veto) with Mr. CANTRILL (to sustain veto).

Mr. BOWERS and Mr. ELLSWORTH (to override veto) with Mr. DRANE (to sustain veto).

Mr. WHEELER. Mr. Speaker, I desire to state that my colleague, Mr. MASON, was taken suddenly ill this morning. For that reason he is absent. Had he been present he would have voted yea.

Mr. DYER. Mr. Speaker, I desire to announce that my colleague, Mr. RHODES, is absent on official business of the House. If he were here, he would vote yea.

Mr. LANGLEY. Mr. Speaker, I voted yea. I overlooked the fact that I was paired with the gentleman from Florida, Mr. CLARK, who is absent. So I desire to be recorded as present.

The result of the vote was announced as above recorded.

The SPEAKER. Two-thirds not having voted in the affirmative, the resolution is not passed, and is referred to the Committee on Foreign Affairs.

Mr. MURPHY. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The roll has just been called and a quorum is present.

Mr. MURPHY. But they are not in the room.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that the House conferees on the naval appropriation bill may be given permission to change the totals.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the House conferees on the naval appropriation bill may be given permission to change the totals. Is there objection?

Mr. MURPHY. I object.

AGRICULTURAL APPROPRIATION BILL—CONFERENCE REPORT.

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill H. R. 12272, the Agricultural appropriation bill.

Mr. MURPHY. I object.

The SPEAKER. The gentleman from Iowa calls up the conference report on the Agricultural appropriation bill.

Mr. MURPHY. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I make the point that that is dilatory.

The SPEAKER. The Chair will state the rule as to a quorum. If there is not a quorum present, the point of no quorum is not dilatory, but the Chair would hold, as he did a moment ago, that it is dilatory when a roll call is just finished and a quorum has been disclosed. Business has intervened and the Chair thinks he ought to count. [After counting.] Two hundred and twenty-seven Members are present, a quorum, and the Clerk will read the conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year 1921, having met, after full and free conference have been unable to agree.

G. N. HAUGEN,

J. C. McLAUGHLIN,

GORDON LEE,

Managers on the part of the House.

A. J. GRONNA,

G. W. NORRIS,

Managers on the part of the Senate.

Mr. HAUGEN. Mr. Speaker, I move that the House further insist on its disagreement and agree to the conference asked for.

The SPEAKER. The gentleman from Iowa moves that the House further insist on its disagreement and agree to the conference asked for.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MANN of Illinois. In this matter I notice that the Senate not only asks for a further conference but instructed the conferees on the part of the Senate, and the Senate sent a copy of the instructions to the House. I believe in recent years it has not been customary to send the instructions of one House to its managers to the other body. However, as we have the instructions to the Senate conferees and they are going into the conference instructed, why does not the gentleman from Iowa ask to have some affirmative action on the part of the House?

This bill goes back to conference with instructions to the Senate conferees, and they either must come to a total disagreement again or else the House conferees have got to agree to this proposition that the Senate submits.

Mr. HAUGEN. This I do not regard as instructions. It is "that the conferees be appointed by the Chair, and that they be requested, if possible, to compromise the disagreement upon the said amendment upon substantially the following basis."

Mr. MANN of Illinois. That is an instruction to the Senate conferees.

Mr. HAUGEN. A very mild one.

Mr. MANN of Illinois. Very polite, but I do not think it is mild. It is evident that the Senate conferees are not going to recede from the Senate amendment unless the House conferees agree to the instructions, and it will only delay matters to go back to conference without some affirmative action on the part of the House. I think we ought to vote directly on concurring in the Senate proposition. If the House wants to agree to it, there is no necessity for it to go to conference. If they want to disagree to it, then there is a statement on the part of the House that they will not agree to the instructions to the Senate conferees. Unless we do that we gain nothing by sending it to conference.

Mr. MONDELL. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MONDELL. Do I understand that the gentleman from Iowa intends to make a motion that the House further insist—

Mr. HAUGEN. I will yield to the gentleman from Texas to make a motion which will bring the matter squarely before the House, in order to accomplish what is desired by the gentleman from Illinois.

Mr. MONDELL. And the vote will come squarely on that. My opinion is, based on some knowledge of the situation, that if the House now emphatically records itself against receding, the Senate will recede. The Senate committee has come part way. I have no manner of doubt but what the Senate will recede.

If the Senate conferees do not agree to recede, they will unquestionably, in my opinion, be instructed by the Senate to recede from their insistence upon the Senate amendment; and it is my opinion, in the interest of the Agricultural bill, in the interest of the many important matters provided for in the bill, that, without regard to gentlemen's views on this matter, there ought to be a pretty decided vote that we will not recede from the position which the House has taken. [Applause.]

Mr. MANN of Illinois. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MANN of Illinois. Does not the gentleman from Wyoming think the Senate conferees will not recede until the House takes a vote on the Senate proposition, and is not the time to take a vote on the Senate proposition now? What is the use of sending it to conference without any action, because the Senate conferees will say that the House has not had a chance to vote on their proposition.

Mr. MURPHY. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will state that there can be no business transacted if the gentleman rises continually and makes a point of no quorum and keeps the Chair counting. The whole afternoon might be spent in counting while there was a quorum present all the while. The point of order is overruled. [Applause.]

Mr. MURPHY. Mr. Speaker, I am only standing on my constitutional rights. There has been business transacted since.

Mr. WALSH. I make the point of order that the gentleman is out of order.

Mr. GARD. Mr. Speaker, I demand the regular order.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Texas to offer a motion that the House recede and agree to the amendment suggested by the Senate, and that will put the proposition squarely up to the House whether it will agree to the Senate proposition or not.

Mr. CANNON. Why does not the gentleman from Iowa make the parliamentary motion that the House adhere to its disagreement?

Mr. BLANTON. Mr. Speaker, I offer the following preferential motion: I move that the House recede from its disagreement with the Senate and concur in the Senate amendment No. 93, amended as suggested by the Senate, as per their instructions to their conferees, and I send the instructions to the Clerk's desk in order that they may be reported.

The SPEAKER. The gentleman from Texas offers a preferential motion, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves that the House recede from its disagreement to the Senate amendment and concur in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be stricken out insert:

"For the purchase, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, \$75,000. Said seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall be sent only to such persons as shall make request therefor: *Provided*, That all such requests made of Senators, Representatives, and Delegates in Congress, if transmitted to the Department of Agriculture, shall be complied with by said department."

Mr. BANKHEAD. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Would a substitute affirmatively instructing the conferees to further insist be in order?

Mr. GARRETT. Mr. Speaker, I reserve the point of order on the motion.

The SPEAKER. Answering the parliamentary inquiry of the gentleman from Alabama, the Chair thinks not. The gentleman from Tennessee will state his point of order.

Mr. GARRETT. Mr. Speaker, as I remember the matter in the way it was messaged from the Senate, as read by the clerk of the Senate to the House, it was that the Senate conferees be instructed to try to bring about a compromise upon the following basis. Whether they adopted that as an amendment or not did not appear.

Mr. MANN of Illinois. If the gentleman will pardon me, the Senate has an amendment striking out the whole paragraph, and a motion is now made to concur in the Senate amendment with an amendment, and in lieu of the matter stricken out to insert this matter. That is not an instruction to the conferees; that is action on the part of the House.

Mr. GARRETT. That would not be subject to the point of order.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, I have always voted against the seed proposition. I can not vote for this proposition now pending, which is only changing the seed distribution from one point to another. I think it is in a worse form in the Senate amendment than it is at the present time. I can see no reason why those who are opposed to seed appropriation should vote for this Senate amendment. It is true that the amount is slightly less, but the amount does not bother me one way or the other. I do not think it is a governmental function, but I do not believe in turning the work over to the Secretary of Agriculture, if it is to be done at all, because I think it will cost the Government a great deal more to have the Secretary of Agriculture do it than the difference in the amounts proposed by the Senate and by the House.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I think it is time for the House to make the Senate understand that we mean what we say and that we do not propose to permit the other body to dictate to us and to deprive us farmers of garden seeds which our constituents insist on having. As a matter of fact, I think that the proposed amendment suggested by the Senate is out of order, because it seeks to change existing law as to the manner of the distribution of vegetable seeds. This prolonged controversy over the seed question is a good illustration of the way representative government works out and the part that human nature plays in it. During the many years that I have been a Member of this body I have observed some interesting facts. For example, the Member who has plenty of turnpike roads in his district is opposed to Federal aid for the construction of public highways. The Member who has all of the public buildings that are needed in his district is opposed to appropriations for public buildings. If a Member represents a district that does not have a river running through it or adjacent to it, or if such river exists and has already been locked and dammed, he is opposed to river improvements. The same is true in regard to the restriction of immigration. During the 14 years that I have been a Member of this body I have noticed that wherever a Member represents a district in which there is a port of entry or a port of entry adjacent to it, as a result of which foreigners settle there and become voters, that Member is opposed to restriction of immigration, and, in addition to that, the fellow who can not pronounce the English language correctly is also opposed to it. The same thing is true with reference to garden seeds. The Member who represents a district that has no gardens, or whose soil is not sufficient to produce a profitable garden, is opposed to the distribution of garden seeds.

I am not complaining about this at all, because I believe thoroughly in the theory that a Member of the House should represent the interests and the wishes of his own people. I merely suggest these things to show the human nature that is involved in legislation even in this body, and that after all we are really grown-up boys. My observation has been that the men who talk the loudest and protest the most against the distribution of garden seeds are the stingiest men in this House. [Laughter.] They argue that it is wrong in principle to spend the money of the people for distributing these seeds, and yet they are the first to demand their quota and the last to loan their colleagues any of what is allotted to them. We are suffering with the burden of the high cost of living. It is conceded that this situation is partly due to decreased production. Nobody questions the fact that the distribution of garden seeds will increase production, and to that extent it will necessarily aid in reducing the high cost of living. This is, comparatively speaking, a nominal appropriation, and gentlemen are mistaken when they think that they are pleasing the people of the country who want real economy when they oppose this garden-seed distribution.

Mr. Speaker, I think that the motion offered by the gentleman from Illinois [Mr. MANN] is out of order, because it proposes to change existing law, which provides a different method of distribution to that proposed in the gentleman's amendment, which is based upon the suggestion of the Senate conferees.

Mr. WALSH. That point of order comes too late.

The SPEAKER. It is too late to make the point of order.

Mr. LANGLEY. Very well, let it go at that, as we will vote it down anyhow. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, I feel sure that gentlemen of the House will not support any such proposition as is proposed by the Senate. They propose to strike out "\$239,000" and insert "\$75,000," and provide, further, that the seed shall be sent out by the Agricultural Department, that when requests come to you, you shall take them or send them to the Agricultural Department and request the officials of that department to send them out.

The House has twice voted upon this question. Upon the motion of Mr. PURNELL, of Indiana, when the bill was first before the House we had a direct vote upon his motion to strike out the provision in the bill, and the yeas were 71 and nays were 130. The other day we had a vote on the motion of the gentleman from Texas [Mr. BLANTON] to concur in the Senate amendment, striking out the House provision, and we had a roll call on that vote, and the yeas were 108 and the nays were 203. Therefore the House has voted once 130 to 71 and again 203 to 108 on a roll call in favor of the distribution of seed, and our position and determination on the question is made by these record votes certain and unequivocal. I appeal to you, however, to emphasize our position in favor of the provision in the House bill by an increased vote now so as, if possible, we may emphatically impress the conferees and the distinguished body at the other end of the Capitol that we are really in earnest and intend to maintain our position by every parliamentary procedure. Their proposal provides an appropriation of \$75,000. Our bill carries an appropriation of \$239,000. That really is not enough to furnish sufficient seed to grant the requests of the many people who write to us for them. Really we need more in order to fully meet the wishes of the people. So far as I am concerned, I am for the people, and at all times I want to promptly comply with every request they make, and I try to do so in every instance, and I know you want to respond likewise to the requests of your constituents. Therefore vote down the Senate proposal and stand firmly by the House provision, and in the future, as in the past, we will then be able practically to comply with all requests that come to us. Vote for the seed, and in doing so you will vote to comply with the wishes of the people so often expressed in the many letters received by us on this subject. [Applause.]

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CRAMTON. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 187, noes 5.

So the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas.

Mr. WINGO. Mr. Speaker, I demand a division of the question.

The SPEAKER. A division of the motion to recede and concur is demanded. The gentleman has the right to demand a division.

Mr. WINGO. The first question will come on the motion that the House recede.

The SPEAKER. Certainly. The question is, Will the House recede from its disagreement to the Senate amendment?

Mr. CRAMTON. Mr. Speaker, on that question I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and nineteen Members are present, a quorum.

The question was taken, and the motion to recede was rejected.

The SPEAKER. The question is on the motion of the gentleman from Iowa—

Mr. WINGO. No; the House having refused to recede, that is equivalent to a motion to adhere—

Mr. MANN of Illinois. No; not at this stage.

Mr. WINGO. I should not have said "adhere" but "insist." The House having refused to recede, of course the motion is limited—

Mr. WALSH. Well, recede and concur with an amendment.

Mr. WINGO. The House having voted it would not recede, why vote on a proposition to recede and concur with an amendment? The House has refused to recede—

Mr. WALSH. Because that is a different proposition.

Mr. WINGO. That is the reason I asked for it, because I thought that would get more votes to vote down the proposition.

The SPEAKER. The Chair thinks that is tantamount to an insistence on the House disagreement.

Mr. WINGO. It is tantamount to rejecting the pending question, because whenever you reject the basic part of a pending question, it rejects the other part that depends on an agreement with the basic question.

The SPEAKER. Certainly. The question is on the motion of the gentleman from Iowa that the House further insist upon its disagreement to the Senate amendment and agree to the conference.

The question was taken, and the motion was agreed to.

Mr. MANN of Illinois. Mr. Speaker, I rise to make a preferential motion.

Mr. MONDELL. Mr. Speaker, before it is too late I want to demand a division.

Mr. BLANTON. Mr. Speaker, I make the point of order that it is too late because the gentleman from Illinois was recognized.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MANN of Illinois. It is not for me to yield; if the gentleman is entitled to a division, he is entitled to it.

The SPEAKER. The Chair has recognized the gentleman from Illinois.

Mr. MANN of Illinois. I move that the conferees be instructed to agree in conference to the substance of what is in the Senate proposition.

The SPEAKER. The gentleman from Illinois offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. MANN of Illinois moves that the House conferees be instructed to agree in conference to the substance of the Senate proposition, which is as follows:

"In lieu of the matter proposed to be stricken out insert:

"For the purchase, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, \$75,000. Said seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall be sent only to such persons as shall make request therefor: *Provided*, That all such requests made of Senators, Representatives, and Delegates in Congress, if transmitted to the Department of Agriculture, shall be complied with by said department."

Mr. GARRETT. Mr. Speaker, I make the point of order—

Mr. MANN of Illinois. I move the previous question—

Mr. GARRETT. Mr. Speaker, the confusion is so great we could not understand. Do I understand the gentleman's motion was to agree to the substance?

Mr. MANN of Illinois. That the House conferees be instructed in conference to agree to the substance of this matter.

Mr. LANGLEY. I thought the gentleman was opposed to it.

Mr. MANN of Illinois. I am going to vote against the motion. The gentleman need not worry.

Mr. GARRETT. Is not the gentleman from Illinois afraid to set such a dangerous precedent—

Mr. MANN of Illinois. No.

Mr. GARRETT. In offering a motion that the conferees be instructed to agree to the substance of a proposition?

Mr. MANN of Illinois. Oh, no; that is frequently done.

Mr. GARRETT. Without the language?

Mr. MANN of Illinois. I put the language in the motion, however.

Mr. CANDLER. The gentleman puts the Senate proposition in the motion.

Mr. MANN of Illinois. Absolutely, and it has been so reported.

Mr. GARRETT. Well, it seems to me that in offering a motion to agree to a Senate amendment in substance it leaves a leeway for the conferees to pile up trouble, not upon this matter; I am not interested in this matter—

Mr. MANN of Illinois. It leaves a leeway to the conferees which is necessary if you have any full, fair, and free conference.

Mr. GARRETT. Mr. Speaker, I make the point of order that it is not in order to instruct the conferees to agree upon the substance—

The SPEAKER. The Chair will hear the gentleman on that point.

Mr. MONDELL. It has frequently been done.

Mr. WINGO. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] is laboring under a wrong impression. The gentleman from Illinois [Mr. MANN] moved that the House conferees agree in substance to a Senate amendment, and then he had the proposition read.

Mr. GARRETT. What does the "substance" mean?

Mr. MANN of Illinois. They can not cross a "t" or dot an "i." It will mean that we express the authority of the House when it comes to drafting it, and it is a proper thing for the House to do when we send it to conference.

Mr. BARKLEY. Mr. Speaker, I desire to make an additional point of order.

The SPEAKER. Only one point of order can be pending at the same time. The Chair overrules the point of order.

Mr. BARKLEY. Mr. Speaker, I make the point of order that it is not in order to instruct the conferees to agree to an amendment that could not be put on the bill in the House as an original proposition, because it changes existing law and would not be in order on this appropriation bill if offered in the House. This motion practically instructs the conferees to change the existing law.

Mr. MANN of Illinois. I think there is no law on the subject.

Mr. BARKLEY. As to the distribution of seeds?

Mr. MANN of Illinois. Yes.

Mr. BARKLEY. I think there is.

Mr. MANN of Illinois. It is carried in the appropriation bill, and that is the only way it is carried. There is no permanent law on the subject.

Mr. LANGLEY. May I be indulged for a moment to call attention to the fact that the gentleman from Massachusetts, who was acting as Speaker, ruled on the point of order I made when this bill was up originally in the House that this changes existing law and provides a different method of distribution, and therefore is not in order.

Mr. BLANTON. That was a wrong decision. Two wrongs do not make a right.

Mr. BARKLEY. Mr. Speaker, if the Chair please, I made this point of order so that it might not operate as a precedent, but that the House might vote its convictions on the subject. I withdraw the point of order.

Mr. MANN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Illinois to instruct the conferees.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. Am I correct in the impression that a vote "nay" is to leave the existing appropriation for vegetable seeds?

Mr. MANN of Illinois. A vote "nay" is your vote. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. MANN].

Mr. BLANTON. Division, Mr. Speaker.

Mr. LANGLEY. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. I ask for the yeas and nays. Let us have a record vote.

The SPEAKER. The gentleman from Texas asks for the yeas and nays. The question is on ordering the yeas and nays. The yeas and nays were refused.

Mr. MANN of Illinois. Mr. Speaker, I ask for tellers.

Tellers were ordered.

Mr. HAUGEN and Mr. BLANTON took their places as tellers. The House divided; and the tellers reported—ayes 38, noes 169.

So the motion was rejected.

Mr. CRAMTON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair will count. There was within half a dozen of a quorum that voted through the tellers, and the Chair is advised that there are some gentlemen who did not vote. The Chair will count. [After counting.] Two hundred and thirty-eight Members are present, a quorum. [Applause.]

So the motion was rejected.

The SPEAKER appointed the following conferees: Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. LEE of Georgia.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved joint resolution and bills of the following titles: On May 25, 1920:

H. R. 9781. An act to amend section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

H. R. 9825. An act authorizing certain railroad companies, or their successors in interest, to convey for public-road purposes certain parts of their rights of way;

H. R. 10285. An act to authorize the purchase by the city of Myrtle Point, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

H. R. 13157. An act authorizing the issuance of patent to Johnson County, Wyo., of lands for poor-farm purposes;

H. R. 13389. An act to authorize the Secretary of the Interior to dispose of at public sale certain isolated and fractional tracts of lands formerly embraced in the grant to the Oregon & California Railroad Co.; and

H. R. 13576. An act authorizing the Secretary of War to turn over to the Postmaster General, without charge therefor, a certain building or buildings now located at Watertown, N. Y.

On May 26, 1920:

H. J. Res. 351. Joint resolution extending the provisions of an act amending section 32 of the Federal farm-loan act, approved July 17, 1916, to June 30, 1921;

H. R. 5163. An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes;

H. R. 11024. An act to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913;

H. R. 13138. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916; and

H. R. 13274. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas.

On May 27, 1920:

H. R. 8440. An act to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Calif., and Klamath County, Oreg., and for other purposes;

H. R. 13665. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River between sections 16 and 21, township 15 north, range 19 east, in the State of Oklahoma; and

H. R. 13666. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River in section 18, township 12 north, range 21 east, in the State of Oklahoma.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had further insisted upon its amendment numbered 1 to the said bill upon which the committee of conference have been unable to agree, had asked a further conference with the House, and had appointed Mr. JONES of Washington, Mr. McNARY, and Mr. KANSDELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 3184) entitled "An act to create a Federal Power Commission and to define its powers and duties,

to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes,' and for other purposes," the clerk be, and he is hereby, authorized and directed to add a new section, to be known as section 30, and to read as follows:

"Sec. 30. That the short title of this act shall be 'The Federal water power act.'"

Also to amend the title to read as follows: "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes."

ARMY REORGANIZATION—CONFERENCE REPORT.

Mr. KAHN. Mr. Speaker, I call up the conference report on the Army reorganization bill.

The SPEAKER. The gentleman from California calls up a conference report, which the Clerk will report.

The Clerk read as follows:

Conference report on the bill H. R. 12775, to amend an act entitled "An act making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report:

Mr. CRAMTON. I object.

The SPEAKER. The gentleman from Michigan objects. The Clerk will read the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment so that it shall read as follows:

"To amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice."

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendment: In lieu of the matter proposed by the amendment of the Senate insert the following:

"An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice."

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

"CHAPTER I.

"That the act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, be amended as follows:

"That section 1 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"That the Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps."

"Sec. 2. That section 2 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 2. Composition of the Regular Army: The Regular Army of the United States shall consist of the Infantry, the Cavalry, the Field Artillery, the Coast Artillery Corps, the Air Service, the Corps of Engineers, the Signal Corps, which shall be designated as the combatant arms or the line of the Army; the General Staff Corps; the Adjutant General's Department; the Inspector General's Department; the Judge Advocate General's Department; the Quartermaster Corps; the Finance Department; the Medical Department; the Ordnance Department; the Chemical Warfare Service; the officers of the Bureau of Insular Affairs; the officers and enlisted men under the jurisdiction of the Militia Bureau; the chaplains; the professors and cadets of the United States Military Academy; the present military storekeeper; detached officers; detached enlisted men; unassigned recruits; the Indian Scouts; the officers and enlisted men of the retired list; and such other officers and enlisted men as are now or may hereafter be provided for. Except in time of war or similar emergency when the public safety demands it, the number of enlisted men of the Regular Army shall not exceed 280,000, including the Philippine Scouts."

"Sec. 3. That section 3 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 3. Organization of the Army: The organized peace establishment, including the Regular Army, the National Guard and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. The Army shall at all times be organized so far as practicable into brigades, divisions and Army corps, and whenever the President may deem it expedient, into armies. For purposes of administration, training and tactical control, the continental area of the United States shall be divided on a basis of military population into corps areas. Each corps area shall contain at least one division of the National Guard or Organized Reserves, and such other troops as the President may direct. The President is authorized to group any or all corps areas into Army areas or departments."

"Sec. 3a. The initial organization of the National Guard and the organized reserves: In the reorganization of the National Guard and in the initial organization of the organized reserves, the names, numbers, and other designations, flags, and records of the divisions and subordinate units thereof that served in the World War between April 6, 1917, and November 11, 1918, shall be preserved as such as far as practicable. Subject to revision and approval by the Secretary of War, the plans and regulations under which the initial organization and territorial distribution of the National Guard and the organized reserves shall be made, shall be prepared by a committee of the branch or division of the War Department General Staff, hereinafter provided for, which is charged with the preparation of plans for the national defense and for the mobilization of the land forces of the United States. For the purpose of this task said committee shall be composed of members of said branch or division of the General Staff and an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard. Subject to general regulations approved by the Secretary of War, the location and designation of units of the National Guard and of the organized reserves entirely comprised within the limits of any State or Territory shall be determined by a board, a majority of whom shall be reserve officers, including reserve officers who hold or have held commissions in the National Guard and recommended for this duty by the governor of the State or Territory concerned."

"Sec. 4. That section 4 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 4. Officers: Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line. Officers commissioned to and holding in the Army an office other than that of general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. There shall be one general, as now authorized by law, until a vacancy occurs in that office, after which it shall cease to exist. On and after July 1, 1920, there shall be 21 major generals and 46 brigadier generals of the line; 599 colonels; 674 lieutenant colonels; 2,245 majors; 4,490 captains; 4,266 first lieutenants; 2,694 second lieutenants; and also the number of officers of the Medical Department and chaplains, hereinafter provided for, professors as now authorized by law, and the present military storekeeper, who shall hereafter have the rank, pay, and allowances of major; and the numbers herein prescribed shall not be exceeded: *Provided*, That major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line whose names are borne on an eligible list prepared annually by a board of not less than five general officers of the line, not below the grade of major general: *Provided further*, That the first board convened after the passage of this act may place upon such eligible list any officer of the line of not less than 22 years' commissioned service."

"Officers of all grades in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Corps of Engineers, and Medical Department; officers above the grade of captain in the Signal Corps, Judge Advocate General's Department, Quartermaster Corps, Ordnance Department, and Chemical Warfare Service, all chaplains and professors, and the military storekeeper, shall be permanently commissioned in their respective branches. All officers of the General Staff Corps, Inspector General's Department, Bureau of Insular Affairs, and Militia Bureau shall be obtained by detail from officers of corresponding grades in other branches. Other officers may be either detailed or, with their

own consent, be permanently commissioned, in the branches to which they are assigned for duty.

"Sec. 4a. Warrant officers: In addition to those authorized for the Army mine planter service, there shall be not more than 1,120 warrant officers, including band leaders, who shall hereafter be warrant officers. Appointments shall be made by the Secretary of War from among noncommissioned officers who have had at least 10 years' enlisted service; enlisted men who served as officers of the Army at some time between April 6, 1917, and November 11, 1918, and whose total service in the Army, enlisted and commissioned, amounts to five years; persons serving or who have served as Army field clerks or field clerks, Quartermaster Corps, and, in the case of those who are to be assigned to duty as band leaders, from among persons who served as Army band leaders at some time between April 6, 1917, and November 11, 1918, or enlisted men possessing suitable qualifications. Hereafter no appointments as Army field clerks or field clerks, Quartermaster Corps, shall be made. Warrant officers other than those of the Army mine planter service shall receive base pay of \$1,320 a year and the allowances of a second lieutenant, shall be entitled to longevity pay and to retirement under the same conditions as commissioned officers, and shall take rank next below second lieutenants and among themselves according to the dates of their respective warrants.

"Sec. 4b. Enlisted men: On and after July 1, 1920, the grades of enlisted men shall be such as the President may from time to time direct, with monthly base pay at the rate of \$74 for the first grade, \$53 for the second grade, \$45 for the third grade, \$45 for the fourth grade, \$37 for the fifth grade, \$35 for the sixth grade, and \$30 for the seventh grade. Of the total authorized number of enlisted men, those in the first grade shall not exceed 0.6 per cent, those in the second grade 1.8 per cent, those in the third grade 2 per cent, those in the fourth grade 9.5 per cent, those in the fifth grade 9.5 per cent, those in the sixth grade 25 per cent. The temporary increase of pay for enlisted men of the Army authorized by section 4 of the act of Congress approved May 18, 1920, shall be computed upon the base pay provided for in this section, and shall apply only to enlisted men of the first five grades. The temporary allowance of rations authorized by section 5, and the transportation privileges authorized by section 12 of the said act, shall apply only to enlisted men of the first three grades.

"Existing laws providing for continuous service pay are repealed to take effect July 1, 1920, and thereafter enlisted men shall receive an increase of 10 per cent of their base pay for each five years of service in the Army, or service which by existing law is held to be the equivalent of Army service, such increase not to exceed 40 per cent.

"Under such regulations as the Secretary of War may prescribe, enlisted men of the sixth and seventh grades may be rated as specialists, and receive extra pay therefor per month, as follows: First class, \$25; second class, \$20; third class, \$15; fourth class, \$12; fifth class, \$8; sixth class, \$3. Of the total authorized number of enlisted men in the sixth and seventh grades, those rated as specialists of the first class shall not exceed 0.7 per cent; of the second class, 1.4 per cent; of the third class, 1.9 per cent; of the fourth class, 4.7 per cent; of the fifth class, 5 per cent; of the sixth class, 15.2 per cent. All laws and parts of laws providing for extra-duty pay for enlisted men are repealed, to take effect July 1, 1920: *Provided*, That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade, nor to change the present rate of pay of any enlisted men now on the retired list.

"Sec. 4c. Assignments: Officers and enlisted men shall be assigned to the several branches of the Army as hereafter directed, a suitable proportion of each grade in each branch, but the President may increase or diminish the number of officers or enlisted men assigned to any branch by not more than a total of 15 per cent: *Provided*, That the total number authorized in any grade by this act is not exceeded: *Provided further*, That the number of enlisted men herein authorized for any branch shall include such number of Philippine Scouts as may be organized in that branch: *Provided further*, That no officer shall be transferred from one branch of the service to another under the provisions of this section without his own consent. Except as otherwise herein prescribed, chiefs and assistants to the chiefs of the several branches shall hereafter be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, and such appointments shall not create vacancies. Appointment as chief of any branch shall be made from among officers commissioned in grades not below that of colonel, and as assistant from among officers of not less than 15 years' commissioned service, who have demonstrated by actual and extended service in such branch or on

similar duty that they are qualified for such appointment: *Provided*, That the chiefs of the several branches shall make recommendations to the Secretary of War for the appointment of their assistants: *Provided further*, That in making the first appointment to any such office created by this act, the chief of a branch may be selected from among officers of not less than 22 years' commissioned service. Any officer who shall have served four years as chief of a branch, and who may subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the grade held by him as such chief. In time of peace no officer of the line shall be or remain detailed as a member of the General Staff Corps unless he has served for two of the next preceding six years in actual command of troops of one or more of the combatant arms; and in time of peace every officer serving in a grade below that of brigadier general shall perform duty with troops of one or more of the combatant arms for at least one year in every period of five consecutive years, except that officers of less than one year's commissioned service in the Regular Army may be detailed as students at service schools: *Provided*, That an officer commissioned in a staff corps shall not be or remain detailed as a member of the General Staff Corps unless he has served for one of the next preceding five years with troops of one or more of the combatant arms. In the administration of this provision, all duty performed between April 6, 1917, and July 1, 1920, inclusive, or as a student at service schools, other than those of the noncombatant branches, at any time, shall be regarded as satisfying the requirements of service with combatant arms. Existing laws in so far as they restrict the detail or assignment of officers are hereby repealed. The Secretary of War shall annually report to Congress the numbers, grades, and assignments of the officers and enlisted men of the Army, and the number, kinds, and strength of organizations pertaining to each branch of the service.

"Sec. 5. That section 5 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 5. General Staff Corps: The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff and the General Staff with troops. The War Department General Staff shall consist of the Chief of Staff and 4 assistants to the Chief of Staff selected by the President from the general officers of the line, and 88 other officers of grades not below that of captain. The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of territorial departments, armies, army corps, divisions, and brigades, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of four years, unless sooner relieved, and such details shall be limited to officers whose names are borne on the list of General Staff Corps eligibles. The initial eligible list shall be prepared by a board consisting of the general of the Army, the commandant of the General Staff College, the commandant of the General Service Schools, and two other general officers of the line, selected by the Secretary of War, who are not then members of the General Staff Corps. This board shall select and report the names of all officers of the Regular Army, National Guard, and Officers' Reserve Corps of the following classes who are recommended by them as qualified by education, military experience, and character for General Staff duty:

"(a) Those officers graduated from the Army Staff College of the Army War College prior to July 1, 1917, who, upon graduation, were specifically recommended for duty as commander or chief of staff of a division or higher tactical unit, or for detail in the General Staff Corps;

"(b) Those officers who, since April 6, 1917, have commanded a division or higher tactical unit, or have demonstrated by actual service in the World War that they are qualified for General Staff duty.

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps except the Chief of Staff shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers: under

such regulations as the President may prescribe: *Provided*, That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and re-detail as may be prescribed by the President; but not more than two officers from each such branch shall be detailed as members of the War Department General Staff.

"The duties of the War Department General Staff shall be to prepare plans for national defense and the use of the military forces for that purpose, both separately and in conjunction with the naval forces, and for the mobilization of the manhood of the Nation and its material resources in an emergency, to investigate and report upon all questions affecting the efficiency of the Army of the United States, and its state of preparation for military operations; and to render professional aid and assistance to the Secretary of War and the Chief of Staff.

"All policies and regulations affecting the organization, distribution and training of the National Guard and the organized reserves, and all policies and regulations affecting the appointment, assignment, promotion, and discharge of reserve officers, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard, and whose names are borne on lists of officers suitable for such duty, submitted by the governors of the several States and Territories. For the purposes specified herein, they shall be regarded as additional members of the General Staff while so serving: *Provided*, That prior to January 1, 1921, National Guard officers who do not hold reserve commissions, if recommended by the governors of the several States and Territories, may be designated by the President as members of the committees herein provided for, and while so serving such officers shall receive the pay and allowances of their corresponding grades in the Regular Army.

"The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them; to act as their agents in harmonizing the plans, duties, and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the commanding generals, and in supervising the execution of such instructions.

"The Chief of Staff shall preside over the War Department General Staff and, under the direction of the President, or of the Secretary of War under the direction of the President, shall cause to be made, by the War Department General Staff, the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, training, and demobilizing the Army of the United States and for the use of the military forces for national defense. He shall transmit to the Secretary of War the plans and recommendations prepared for that purpose by the War Department General Staff and advise him in regard thereto; upon the approval of such plans or recommendations by the Secretary of War, he shall act as the agent of the Secretary of War in carrying the same into effect. Whenever any plan or recommendation involving legislation by Congress affecting national defense or the reorganization of the Army is presented by the Secretary of War to Congress, or to one of the committees of Congress, the same shall be accompanied, when not incompatible with the public interest, by a study prepared in the appropriate division of the War Department General Staff, including the comments and recommendations of said division for or against such plan, and such pertinent comments for or against the plan as may be made by the Secretary of War, the Chief of Staff, or individual officers of the division of the War Department General Staff in which the plan was prepared.

"Hereafter, members of the General Staff Corps shall be confined strictly to the discharge of duties of the general nature of those specified for them in this section and in the act of Congress approved February 14, 1903, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof.

"Sec. 5a. Hereafter, in addition to such other duties as may be assigned him by the Secretary of War, the Assistant Secretary of War, under the direction of the Secretary of War, shall be charged with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to

war-time needs. The Assistant Secretary of War shall receive a salary of \$10,000 per annum. There shall be detailed to the office of the Assistant Secretary of War from the branches engaged in procurement such number of officers and civilian employees as may be authorized by regulations approved by the Secretary of War. The offices of Second Assistant Secretary of War and Third Assistant Secretary of War are hereby abolished.

"Under the direction of the Secretary of War chiefs of branches of the Army charged with the procurement of supplies for the Army shall report direct to the Assistant Secretary of War regarding all matters of procurement. He shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis. And all appropriations for manufacture of matériel pertaining to approved projects, which are placed with arsenals, or Government-owned factories, or other ordnance establishments shall remain available for such purpose until the close of the next ensuing fiscal year.

"Sec. 5b. The War Council: The Secretary of War, the Assistant Secretary of War, the General of the Army, and the Chief of Staff shall constitute the War Council of the War Department, which council shall from time to time meet and consider policies affecting both the military and munitions problems of the War Department. Such questions shall be presented to the Secretary of War in the War Council, and his decision with reference to such questions of policy, after consideration of the recommendations thereon by the several members of the War Council, shall constitute the policy of the War Department with reference thereto.

"Sec. 6. That section 6 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 6. Adjutant General's Department: The Adjutant General's Department shall consist of The Adjutant General with the rank of major general, one assistant with the rank of brigadier general, who shall be chief of the personnel bureau, and 115 officers in grades from colonel to captain, inclusive. The personnel bureau shall be charged, under such regulations as may be prescribed by the Secretary of War, with the operating functions of procurement, assignment, promotion, transfer, retirement, and discharge of all officers and enlisted men of the Army: *Provided*, That territorial commanders and the chiefs of the several branches of the Army shall be charged with such of the above-described duties within their respective jurisdictions as may be prescribed by the Secretary of War.

"Sec. 7. That section 7 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 7. Inspector General's Department: The Inspector General's Department shall consist of one Inspector General with the rank of major general, and 61 officers in grades from colonel to captain, inclusive.

"Sec. 8. That section 8 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 8. Judge Advocate General's Department: The Judge Advocate General's Department shall consist of one Judge Advocate General with the rank of major general, and 114 officers in grades from colonel to captain, inclusive: *Provided*, That immediately upon the passage of this act the number of colonels of the Judge Advocate General's Department shall be increased by five, and the vacancies thus created shall be filled by promotion in the manner heretofore provided by law.

"Sec. 9. That section 9 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 9. Quartermaster Corps: The Quartermaster Corps shall consist of 1 Quartermaster General with the rank of major general, 3 assistants with the rank of brigadier general, 1,050 officers in grades from colonel to second lieutenant, inclusive, and 20,000 enlisted men. The Quartermaster General, under the authority of the Secretary of War, shall be charged with the purchase and procurement for the Army of all supplies of standard manufacture and of all supplies common to two or more branches but not with the purchase or the procurement of special or technical articles to be used or issued exclusively by other supply departments; with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities other than fortifications connected with the Army; with the storage and issue of supplies; with the operation of utilities; with the acquisition of all real estate and the issue of licenses in connection with Gov-

ernment reservations; with the transportation of the Army by land and water, including the transportation of troops and supplies by mechanical or animal means; with the furnishing of means of transportation of all classes and kinds required by the Army; and with such other duties not otherwise assigned by law as the Secretary of War may prescribe: *Provided*, That special and technical articles used or issued exclusively by other branches of the service may be purchased or procured with the approval of the Assistant Secretary of War by the branches using or issuing such articles, and the chief of each branch may be charged with the storage and issue of property pertaining thereto: *Provided further*, That utilities pertaining exclusively to any branch of the Army may be operated by such branches.

"Sec. 9a. Finance Department: There is hereby created a Finance Department. The Finance Department shall consist of 1 chief of finance with the rank of brigadier general, 141 officers in grades from colonel to second lieutenant, inclusive, and 900 enlisted men.

"The chief of finance, under the authority of the Secretary, shall be charged with the disbursement of all funds of the War Department, including the pay of the Army and the mileage for officers and the accounting therefor; and with such other fiscal and accounting duties as may be required by law, or assigned to him by the Secretary of War: *Provided*, That under such regulations as may be prescribed by the Secretary of War, officers of the Finance Department, accountable for public moneys, may intrust moneys to other officers for the purpose of having them make disbursements as their agents, and the officer to whom the moneys are intrusted, as well as the officer who intrusts the moneys to him, shall be held pecuniarily responsible therefor to the United States."

"Sec. 10. That section 10 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 10. Medical Department: The Medical Department shall consist of one Surgeon General with the rank of major general, two assistants with the rank of brigadier general, the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Administrative Corps, a number of enlisted men which, until June 30, 1921, shall not exceed 5 per cent of the authorized enlisted strength and thereafter 5 per cent of the actual strength, commissioned and enlisted, of the Regular Army, the Army Nurse Corps as now constituted by law, and such contract surgeons as are now authorized by law. The number of officers of the Medical Corps shall be six and one-half for every thousand, and of the Medical Administrative Corps, 1 for every 2,000, of the total enlisted strength of the Regular Army, authorized from time to time, and within the peace strength permitted by this act. The number of officers of the Dental Corps shall be one for every thousand of the total strength of the Regular Army, authorized from time to time, and within the peace strength permitted by this act. The number of officers of the Veterinary Corps shall be 175.

"Hereafter an officer of the Medical or Dental Corps shall be promoted to the grade of captain after 3 years' service, to the grade of major after 12 years' service, to the grade of lieutenant colonel after 20 years' service, and to the grade of colonel after 26 years' service. An officer of the Veterinary Corps shall be promoted to the grade of first lieutenant after 3 years' service, to the grade of captain after 7 years' service, to the grade of major after 14 years' service, to the grade of lieutenant colonel after 20 years' service, and to the grade of colonel after 26 years' service. An officer of the Medical Administrative Corps shall be promoted to the grade of first lieutenant after 5 years' service, and to the grade of captain after 10 years' service. For purposes of promotion there shall be credited to officers of the Medical Department all active commissioned service in the Regular Army whenever rendered; and also all such service rendered since April 6, 1917, in the Army or in the National Guard when in active service under a call by the President, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission. To officers of the Dental Corps shall be credited their service as contract dental surgeons and acting dental surgeons, and to officers of the Veterinary Corps, their governmental veterinary service rendered prior to June 3, 1916. The length of service of any officer who shall have lost files by reason of sentence of court-martial or failure in examination for promotion shall be regarded as diminished to the equivalent of the service of the officer of his corps immediately preceding him in relative rank.

"Of the vacancies in the Medical Department existing on July 1, 1920, such number as the President may direct shall be filled by the appointment on that date in any grade au-

thorized by this section, of persons under the age of 58 years, other than officers of the Regular Army, who served as officers of the Army at some time between April 6, 1917, and the date of the passage of this act, the selection to be made by the board of general officers provided for in section 24, and subject to the restrictions as to age therein prescribed. Appointees in the Medical Administrative Corps must also have had at least five years' enlisted service in the Medical Department, and the number appointed in the grades of captain and first lieutenant under the provisions of this paragraph shall not exceed one-half of the whole number authorized for said corps. For purposes of future promotion, any person so appointed in the Medical or Dental Corps shall be considered as having had, on the date of appointment, service equal to that of the junior officer of his grade and corps now in the Regular Army; and in the Veterinary or Medical Administrative Corps, sufficient service to bring him to his grade under the rules established in this section.

"Hereafter the members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director and assistant directors, the relative rank of captain; chief nurses, the relative rank of first lieutenant; head nurses and nurses, the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have authority in and about military hospitals next after the officers of the Medical Department. The Secretary of War shall make the necessary regulations prescribing the rights and privileges conferred by such relative rank."

"Sec. 11. That section 11 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 11. Corps of Engineers: The Corps of Engineers shall consist of 1 Chief of Engineers with rank of major general, 1 assistant with the rank of brigadier general, 600 officers in grades from colonel to second lieutenant, inclusive, and 12,000 enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe."

"Sec. 12. That section 12 of said act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:

"Sec. 12. Ordnance Department: The Ordnance Department shall consist of 1 Chief of Ordnance with the rank of major general, 2 assistants with the rank of brigadier general, 350 officers in grades from colonel to second lieutenant, inclusive, and 4,500 enlisted men.

"Sec. 12a. Chemical Warfare Service: There is hereby created a Chemical Warfare Service. The Chemical Warfare Service shall consist of 1 chief of the Chemical Warfare Service with the rank of brigadier general, 100 officers in grades from colonel to second lieutenant, inclusive, and 1,200 enlisted men. The Chief of the Chemical Warfare Service under the authority of the Secretary of War shall be charged with the investigation, development, manufacture, or procurement and supply to the Army of all smoke and incendiary materials, all toxic gases, and all gas defense appliances; the research, design, and experimentation connected with chemical warfare and its material; and chemical projectile filling plants and proving grounds; the supervision of the training of the Army in chemical warfare, both offensive and defensive, including the necessary schools of instruction; the organization, equipment, training, and operation of special gas troops, and such other duties as the President may from time to time prescribe."

"Sec. 13. That section 13 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 13. Signal Corps: The Signal Corps shall consist of 1 chief signal officer with the rank of major general, 300 officers in grades from colonel to second lieutenant, inclusive, and 5,000 enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe."

"Sec. 13a. Air Service: There is hereby created an Air Service. The Air Service shall consist of 1 chief of the Air Service with the rank of major general, 1 assistant with the rank of brigadier general, 1,514 officers in grades from colonel to second lieutenant, inclusive, and 16,000 enlisted men, including not to exceed 2,500 flying cadets, such part of whom as the President may direct being formed into tactical units, organized as he may prescribe: *Provided*, That not to exceed 10 per cent of the officers in each grade below that of brigadier general who fail to qualify as aircraft pilots or as observers within one year after the date of detail or assignment shall be permitted to remain detailed or assigned to the Air Service. Flying units shall in all cases be commanded by flying officers.

Officers and enlisted men of the Army shall receive an increase of 50 per cent of their pay while on duty requiring them to participate regularly and frequently in aerial flights; and hereafter no person shall receive additional pay for aviation duty except as prescribed in this section: *Provided*, That nothing in this act shall be construed as amending existing provisions of law relating to flying cadets.

"SEC. 14. That section 14 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 14. Bureau of Insular Affairs: The officers of the Bureau of Insular Affairs shall be one chief of the bureau with the rank of brigadier general, and two officers below the grade of brigadier general: *Provided*, That during the tenure of office of the present Chief of the Bureau of Insular Affairs he shall have the rank of major general."

"SEC. 15. That section 15 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 15. Chaplains: There shall be one chaplain for every 1,200 officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts and the unassigned recruits, authorized from time to time in accordance with law and within the peace strength permitted by this act. Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 5 years, first lieutenant; 5 to 14 years, captain; 14 to 20 years, major; over 20 years, lieutenant colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of colonel while so serving. His duties shall include investigation into the qualifications of candidates for appointment as chaplain, and general coordination and supervision of the work of chaplains. Of the vacancies existing on July 1, 1920, such number as the President may direct shall be filled by appointment on that date of persons under the age of 58 years, other than chaplains of the Regular Army, who served as chaplains in the Army at some time between April 6, 1917, and the date of the passage of this act. Such appointments may be made in grades above the lowest under the same restrictions as to age and rank as are hereinafter prescribed for original appointments in other branches of the service, and in accordance with the recommendation of the board of officers provided for in section 24. For purposes of future promotion, persons so appointed shall be considered as having had, on the date of appointment, sufficient prior service to bring them to their respective grades under the rules of promotion established in this section."

"SEC. 16. That said act be, and the same is hereby, amended by striking out section 16.

"SEC. 17. That section 17 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 17. Infantry: The Infantry shall consist of one chief of infantry with the rank of major general; 4,200 officers in grades from colonel to second lieutenant, inclusive, and 110,000 enlisted men, organized into such Infantry units as the President may direct. Hereafter all tank units shall form a part of the Infantry."

"SEC. 18. That section 18 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 18. Cavalry: The Cavalry shall consist of one chief of Cavalry with the rank of major general, 950 officers in grades from colonel to second lieutenant, inclusive, and 20,000 enlisted men, organized into Cavalry units as the President may direct."

"SEC. 19. That section 19 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 19. Field Artillery: The Field Artillery shall consist of one chief of Field Artillery with the rank of major general, 1,900 officers in grades from colonel to second lieutenant, inclusive, and 37,000 enlisted men, organized into Field Artillery units as the President may direct."

"SEC. 20. That section 20 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 20. Coast Artillery Corps: The Coast Artillery Corps shall consist of one chief of Coast Artillery with the rank of major general, 1,200 officers in grades from colonel to second lieutenant, inclusive, the warrant officers of the Army Mine Planter Service as now authorized by law, and 30,000 enlisted

men, organized into such Coast Artillery units as the President may direct."

"SEC. 21. That section 21 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 21. Porto Rico Regiment of Infantry: The Porto Rico Regiment of Infantry and the officers and enlisted men of such regiment shall become a part of the Infantry branch herein provided for, and its officers shall, on July 1, 1920, be recommissioned in the Infantry with their present grades and dates of rank, unless promoted on that date in accordance with the provisions of section 24 hereof."

"SEC. 22. That said act be, and the same is hereby, amended by adding after section 22 a new section, to be numbered 22a, and to read as follows:

"SEC. 22a. Philippine Scouts: The President is authorized to form the Philippine Scouts into such branches and tactical units as he may deem expedient, within the limit of strength prescribed by law, organized similarly to those of the Regular Army, the officers to be detailed from those authorized in section 4 hereof. On July 1, 1920, all officers of the Philippine Scouts on the active list, who are citizens of the United States and are found qualified under such regulations as the President may prescribe, shall be recommissioned in some one of the branches provided for by this act, and those not so recommissioned shall continue to serve under their commissions as officers of the Philippine Scouts. No further appointments shall be made as officers of Philippine Scouts except of citizens of the Philippine Islands, who may be appointed in the grade of second lieutenant, under such regulations as the President may prescribe. Officers commissioned in the Philippine Scouts shall be subject to promotion, classification, and elimination, as hereinafter prescribed for officers of the Regular Army. Those now on the retired list shall hereafter receive the same pay as a retired second lieutenant of equal service. Officers of the Philippine Scouts shall hereafter be retired under the same conditions, and those hereafter placed on the retired list shall receive the same retired pay, as other officers of like grades and length of service, and shall be equally eligible for advancement on account of active duty performed since retirement. Nothing in this act shall be construed to alter in any respect the present status of enlisted men of the Philippine Scouts."

"SEC. 23. That section 23 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 23. Provisional appointments: All laws providing that certain appointments of officers shall be provisional for a period of time are hereby repealed."

"SEC. 24. That section 24 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 24. Filling of vacancies: Not less than one-half of the total number of vacancies caused by this act, exclusive of those in the Medical Department and among chaplains, shall be filled by the appointment, to date from July 1, 1920, and subject to such examination as the President may prescribe, of persons other than officers of the Regular Army who served as officers of the United States Army at any time between April 6, 1917, and the date of the passage of this act. A suitable number of such officers shall be appointed in each of the grades below that of brigadier general, according to their qualifications for such grade as may be determined by the board of general officers provided for in this section. No such person above the age of 50 years shall be appointed in a combatant branch, or above the age of 58 in a noncombatant branch. No such person below the age of 48 years shall be appointed in the grade of colonel, or below the age of 45 years in the grade of lieutenant colonel, or below the age of 36 years in the grade of major. Not less than three such persons shall be appointed to the grade of colonel in the Judge Advocate General's Department, and not less than eight to the grade of lieutenant colonel in the Judge Advocate General's Department, provided a sufficient number of applicants for such appointments are legally eligible and are found by the board provided for in this section to be properly qualified. Any person originally appointed under the provisions of this act at an age greater than 45 years shall, when retired, receive retired pay at the rate of 4 per cent of active pay for each complete year of commissioned service in the United States Army, the total to be not more than 75 per cent. Vacancies remaining in grades above the lowest which are not filled by such appointments shall be filled by promotion to date from July 1, 1920, in accordance with the provisions of section 24c hereof. The selection of officers to be appointed under the provisions of this section, under such rules and regulations as may be approved by the Secretary of War, shall be made by

a board consisting of the General of the Army, three bureau chiefs and three general officers of the line, to be appointed by the Secretary of War: *Provided*, That no officer shall be appointed in any branch of the service under the provisions of this section except with the approval of the chief of such branch or officer acting as such.

"Sec. 24a. Promotion list: For the purpose of establishing a more uniform system for the promotion of officers, based on equity, merit, and the interests of the Army as a whole, the Secretary of War shall cause to be prepared a promotion list, on which shall be carried the names of all officers of the Regular Army and Philippine Scouts below the grade of colonel, except officers of the Medical Department, chaplains, professors, the military storekeeper, and certain second lieutenants of the Quartermaster Corps hereinafter specified. The names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service; the second name that of the officer having the next longest commissioned service, and so on. In computations for the purpose of determining the position of officers on the promotion list there shall be credited all active commissioned service in the Army performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission; also commissioned service in the National Guard while in active service since April 6, 1917, under a call by the President; and also commissioned service in the Marine Corps when detached for service with the Army by order of the President. In determining position on the promotion list, and relative rank, commissioned service in the Regular Army or the Philippine Scouts, if continuous to the present time, shall be counted as having begun on the date of original commission. The original promotion list shall be formed by a board of officers appointed by the Secretary of War, consisting of one colonel of each of six branches of the service in which officers are permanently commissioned under the terms of this act, and one officer who, as a member of the personnel branch of the General Staff, has made a special study of merging the present promotion lists into a single list. The steps in the formation of the original promotion list shall be as follows:

"First, officers below the grade of colonel in the Corps of Engineers, Signal Corps, Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Porto Rico Regiment, and Philippine Scouts, who were originally appointed in the Regular Army or Philippine Scouts prior to April 6, 1917, shall be arranged without changing the present order of officers on the lineal lists of their own branches, but otherwise as nearly as practicable according to length of commissioned service. The following shall be omitted:

"(a) Officers who, as a result of voluntary transfer, occupy positions on the lineal list other than those they would have held if their original commissions had been in their present branches.

"(b) Officers of other branches appointed in the Field Artillery or the Coast Artillery Corps to fill vacancies created by the act approved January 25, 1907.

"(c) Officers appointed in the Regular Army since January 1, 1903, while serving as officers of the Porto Rico Provisional Regiment of Infantry or Philippine Scouts.

"(d) Former officers of the Regular Army or Philippine Scouts who have been reappointed in these forces and who are now below normally placed officers of less commissioned service than theirs.

"Officers of classes (a), (b), and (c) shall be placed on the list in the positions they would have occupied if they had remained in their original branches of the service. Officers of class (d) shall be placed on the list in the position that would normally be occupied by an officer of continuous service equal to the total active commissioned service of such officers in the Army.

"Second, officers of the Judge Advocate General's Department, Quartermaster Corps, and Ordnance Department shall be placed on the list according to length of commissioned service, except those second lieutenants of the Quartermaster Corps who are found not qualified for promotion as provided in section 24b hereof.

"Third, captains and lieutenants of the Regular Army and Philippine Scouts, originally appointed since April 6, 1917, shall be arranged among themselves according to commissioned service rendered prior to November 11, 1918, and shall be placed at the foot of the list as prepared to this point.

"Fourth, persons to be appointed as captains or lieutenants under the provisions of section 24 hereof shall be placed accord-

ing to commissioned service rendered prior to November 11, 1918, among the officers referred to in the next preceding clause; and where such commissioned service is equal, officers now in the Regular Army shall precede persons to be appointed under the provisions of this act, and the latter shall be arranged according to age.

"Fifth, persons appointed as lieutenant colonels or majors under the provisions of section 24 hereof shall be placed immediately below all officers of the Regular Army who, on July 1, 1920, are promoted to those grades respectively under the provisions of section 24 hereof: *Provided*, That the board charged with the preparation of the promotion list may in its discretion assign to any such officer a position on the list higher than that to which he would otherwise be entitled, but not such as to place him above any officer of greater age, whose commissioned service commenced prior to April 6, 1917, and who would precede him on the list under the general provisions of this section.

"Any former officer of the Regular Army and any retired officer who may hereafter be appointed to the active list in the manner provided by law shall be placed on the promotion list in accordance with his total active commissioned service; except that former officers appointed to field grades on July 1, 1920, under the provisions of section 24, may be placed as provided in the next preceding paragraph of this section. A reserve judge advocate appointed in the Regular Army shall be placed as provided in section 24c.

"Other officers on original appointment shall be placed at the foot of the list. The place of any officer on the promotion list once established shall not thereafter be changed, except as the result of the sentence of a court-martial.

"Sec. 24b. Classification of officers: Immediately upon the passage of this act, and in September of 1921 and every year thereafter, the President shall convene a board of not less than five general officers, which shall arrange all officers in two classes, namely: Class A, consisting of officers who should be retained in the service, and class B, of officers who should not be retained in the service. Until otherwise finally classified, all officers shall be regarded as belonging to class A, and shall be promoted according to the provisions of this act to fill any vacancies which may occur prior to such final classification. No officer shall be finally classified in class B until he shall have been given an opportunity to appear before a court of inquiry. In such court of inquiry he shall be furnished with a full copy of the official records upon which the proposed classification is based and shall be given an opportunity to present testimony in his own behalf. The record of such court of inquiry shall be forwarded to the final classification board for reconsideration of the case, and after such consideration the finding of said classification board shall be final and not subject to further revision except upon the order of the President. Whenever an officer is placed in class B, a board of not less than three officers shall be convened to determine whether such classification is due to his neglect, misconduct, or avoidable habits. If the finding is affirmative, he shall be discharged from the Army; if negative, he shall be placed on the unlimited retired list with pay at the rate of 2½ per cent of his active pay multiplied by the number of complete years of commissioned service, or service which under the provisions of this act is counted as its equivalent, unless his total commissioned service or equivalent service shall be less than 10 years, in which case he shall be honorably discharged with one year's pay. The maximum retired pay of an officer retired under the provisions of this section prior to January 1, 1924, shall be 75 per cent of active pay, and of one retired on or after that date, 60 per cent. If an officer is thus retired before the completion of 30 years' commissioned service, he may be employed on such active duty as the Secretary of War considers him capable of performing until he has completed 30 years' commissioned service. The board convened upon the passage of this act shall also report the names of those second lieutenants of the Quartermaster Corps who were commissioned under the provisions of section 9 of the act of June 3, 1916, who are not qualified for further promotion. The officers so reported shall continue in the grade of second lieutenant for the remainder of their service and the others shall be placed upon the promotion list according to their commissioned service, as hereinbefore provided.

"Sec. 24c. Promotion of officers: Up to and including June 30, 1920, except as otherwise provided herein, promotions shall continue to be made in accordance with law existing prior to the passage of this act, and on the basis of the number heretofore authorized for each grade and branch. On and after July 1, 1920, vacancies in grades below that of brigadier general shall be filled by the promotion of officers in the order in which they stand on the promotion list, without regard to the branches in which they are commissioned. Existing laws providing

for the examination of officers for promotion are hereby repealed, except those relating to physical examinations, which shall continue to be required for promotion to all grades below that of brigadier general, and except also those governing the examination of officers of the Medical, Dental, and Veterinary Corps. Officers of said three corps shall be examined in accordance with laws governing examination of officers of the Medical Corps, second lieutenants of the Veterinary Corps being subject to the same provisions as first lieutenants.

"Sec. 24d. Transfer of officers: Upon his own application any officer may be transferred to another branch without loss of rank or change of place on the promotion list.

"Sec. 24e. Appointment of officers: Except as otherwise herein provided, appointments shall be made in the grade of second lieutenant, first, from graduates of the United States Military Academy; second, from warrant officers and enlisted men of the Regular Army between the ages of 21 and 30 years, who have had at least two years' service; and, third, from reserve officers, and from officers, warrant officers, and enlisted men of the National Guard, members of the Enlisted Reserve Corps, and graduates of technical institutions approved by the Secretary of War, all between the ages of 21 and 30 years. Any vacancy in the grade of captain in the Judge Advocate General's Department, not filled by transfer or detail from another branch, may, in the discretion of the President, be filled by appointment from reserve judge advocates between the ages of 30 and 36 years, and such appointee shall be placed upon the promotion list immediately below the junior captain on said list. Appointments in the Medical and Dental Corps shall be made in the grade of first lieutenant from reserve medical and dental officers, respectively, between the ages of 23 and 32 years; in the Veterinary Corps in the grade of second lieutenant from reserve veterinary officers between the ages of 21 and 30 years; and in the Medical Administrative Corps in the grade of second lieutenant from enlisted men of the Medical Department between the ages of 21 and 32 years, who have had at least two years' service. To be eligible for appointment in the Dental Corps, a candidate must be a graduate of a recognized dental college, and have been engaged in the practice of his profession for at least two years subsequent to graduation. Appointments as chaplains shall be made from among persons duly accredited by some religious denomination or organization, and of good standing therein, between the ages of 23 and 45 years. Former officers of the Regular Army and retired officers may be reappointed to the active list, if found competent for active duty, and shall be commissioned in the grades determined by the places assigned to them on the promotion list under the provisions of section 24a hereof.

"Sec. 25. That section 25 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 25. Detached officers and enlisted men: All officers and enlisted men authorized by law and not assigned to duty with any branch or bureau herein provided for shall be carried on the detached officers' list and detached enlisted men's list, respectively."

"Sec. 26. That said act be, and the same is hereby, amended by striking out section 26.

"Sec. 27. That section 27 of said act be, and the same is hereby, amended by striking out all up to and including the third proviso, and also the proviso relating to the utilization of the service of postmasters, and inserting the following in lieu thereof:

"Sec. 27. Enlistments: Hereafter original enlistments in the Regular Army shall be for a period of one or three years at the option of the soldier, and reenlistments shall be for a period of three years. Existing laws providing for the payment of three months' pay to certain soldiers upon reenlistment are hereby repealed, and hereafter an enlistment allowance equal to three times the monthly pay of a soldier of the seventh grade shall be paid to every soldier who enlists or reenlists for a period of three years, payment of the enlistment allowance for original enlistment to be deferred until honorable discharge."

"Sec. 28. That said act be, and the same is hereby, amended by striking out section 28, with the exception of the proviso added thereto by Chapter XVII, section 5, of an act of Congress approved July 9, 1918, providing pay for qualification as telegraphers.

"Sec. 29. That section 29 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 29. Discharge on account of dependent relatives: When by reason of death or disability of a member of the family of an enlisted man, occurring after his enlistment, members of his family become dependent upon him for care or support, he may,

in the discretion of the Secretary of War, be discharged from the service of the United States."

"Sec. 30. That section 30 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 30. The Regular Army Reserve is hereby abolished, and all members thereof shall be discharged from the obligations under which they are now serving."

"Sec. 31. That said act be, and the same is hereby, amended by striking out sections 31, 32, 33, 34, 36, 38, and 39.

"Sec. 32. That section 37 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 37. Officers' Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed, there shall be organized an Officers' Reserve Corps consisting of general officers, of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. Reserve officers shall be appointed and commissioned by the President alone, except general officers, who shall be appointed by and with the advice and consent of the Senate. Appointment in every case shall be for a period of five years, but an appointment in force at the outbreak of war, or made in time of war, shall continue in force until six months after its termination. Any reserve officer may be discharged at any time in the discretion of the President. A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor. In time of peace, a reserve officer must, at the time of his appointment, be a citizen of the United States or of the Philippine Islands, between the ages of 21 and 60 years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time, may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade; any person now serving as an officer of the National Guard may be appointed as a reserve officer in his present or any lower grade; no other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof; warrant officers, and enlisted men of the Regular Army, National Guard and Enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based so far as practicable upon recommendations made in the established chain of command, but no reserve officer shall be promoted to any grade in time of peace until he has held a commission for at least one year in the next lower grade. So far as practicable, reserve officers shall be assigned to units in the locality of their places of residence. Nothing in this act shall operate to deprive a reserve officer of the reserve commission he now holds. Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission.

"Sec. 37a. Reserve officers on active duty: To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than 15 days in any calendar year without his own consent. A reserve officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of active service, and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay."

"Sec. 33. That said act be, and the same is hereby, amended by striking out sections 40, 41, 42, 43, 45, and 46 and inserting the following in lieu thereof:

"Sec. 40. Reserve Officers' Training Corps—Organization: The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, one or more units in number, which shall consist of a senior division organized at universities and colleges granting degrees, including State universities and those State institutions that are required to provide instruction in military tactics

under the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and at those essentially military schools not conferring academic degrees, specially designated by the Secretary of War as qualified, and a junior division organized at all other public and private educational institutions, and each division shall consist of units of the several arms, corps, or services in such number and such strength as the President may prescribe: *Provided*, That no such unit shall be established or maintained at any institution until an officer of the Regular Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least 100 physically fit male students, except that in the case of units other than Infantry, Cavalry or Artillery, the minimum number shall be 50: *Provided further*, That except at State institutions described in this section, no unit shall be established or maintained in an educational institution until the authorities of the same agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course, when entered upon by any student, shall, as regards such student, be a prerequisite for graduation unless he is relieved of this obligation by regulations to be prescribed by the Secretary of War.

"SEC. 40a. Reserve Officers' Training Corps courses: The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of such corps shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training or to devote at least an average of three hours per week per academic year to such military training, except as provided in section 47c of this act.

"SEC. 40b. Personnel for duty with Reserve Officers' Training Corps: The President is hereby authorized to detail such numbers of officers, warrant officers, and enlisted men of the Regular Army, either active or retired, as may be necessary for duty as professors of military science and tactics, assistant professors of military science and tactics, and military instructors at educational institutions where one or more units of the Reserve Officers' Training Corps are maintained. In time of peace retired officers, retired warrant officers, or retired enlisted men shall not be detailed under the provisions of this section without their consent, and no officer on the active list shall be detailed for recruiting service or for duty at a school or college, not including schools of the service, where officers on the retired list can be secured who are competent for such duty. Hereafter retired officers below the grade of brigadier general and retired warrant officers and enlisted men shall, when on active duty, receive full pay and allowances."

"SEC. 34. That said act be, and the same is hereby, amended by striking out sections 47, 48, 49, 50, 51, 52, 53, and 54 and inserting the following in lieu thereof:

"SEC. 47. Supplies for Reserve Officers' Training Corps: The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, transportation, arms, ammunition, supplies, tentage, equipment, and uniforms belonging to the United States as he may deem necessary, and to forage at the expense of the United States public animals so issued, to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War, and to authorize such expenditures from proper Army appropriations as he may deem necessary for the efficient maintenance of the Reserve Officers' Training Corps. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, except for uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction, and for its return when required.

"SEC. 47a. Reserve Officers' Training Corps camps: The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a longer period than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit, to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit, or in lieu of transporting them to and from such camps and subsisting them while en route, to pay them

travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and to admission to military hospitals at such camps, and to furnish medical attendance and supplies; to use the troops of the Regular Army, and such Government property as he may deem necessary, for the military training of the members of such corps while in attendance at such camps; and to prescribe regulations for the government of such camps.

"SEC. 47b. Appointment of graduates of Reserve Officers' Training Corps as reserve officers: The President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer of the Army of the United States any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section 47a of this act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section 47a of this act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of 21 years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army of the United States during a period of at least five years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority: *Provided*, That no reserve officer appointed pursuant to this act shall be entitled to retirement, or to retired pay, and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Army pursuant to provisions of this act.

"SEC. 47c. Pay and commutation of subsistence, Reserve Officers' Training Corps: When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for advanced training by the president of the institution and by the professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished at the expense of the United States commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years: *Provided*, That any medical, dental, or veterinary student may be admitted to a Medical, Dental, or Veterinary Corps unit of the Reserve Officers' Training Corps for a course of training at the rate of 90 hours of instruction per annum for the four collegiate years, and if at the end of two years of such training he has been selected by the professor of military science and tactics and the head of the institution for advanced training, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years: *Provided further*, That any reserve officer who is also a medical, dental, or veterinary student may be admitted to such Medical, Dental, or Veterinary Corps unit for such training, under such rules and regulations as the Secretary of War may prescribe: *Provided further*, That members of the Reserve Officers' Training Corps, or other persons authorized by the Secretary of War to attend advanced course camps, shall be paid for attendance at such camps at the rate prescribed for soldiers of the seventh grade of the Regular Army.

"SEC. 47d. Training camps: The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, schools or camps for the military instruction and training, with a view to their appointment as reserve officers or noncommissioned officers, of such warrant officers, enlisted men, and civilians as may be selected upon their own application; to use for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish at the expense of the United States uni-

forms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, or in lieu of furnishing such transportation and subsistence to pay them travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and medical attendance and supplies to persons receiving instruction at said camps during the period of their attendance thereat; to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instructions at said camps, for cash and at cost price, plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time for the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers, warrant officers, and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

"Sec. 35. That said act be, and the same is hereby, amended by striking out sections 55 and 56 and inserting the following in lieu thereof:

"Sec. 55. The Enlisted Reserve Corps: The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy, or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one-year periods and who, in time of peace, shall be entitled to discharge within 90 days if they make application therefor. Enlistments shall be limited to persons eligible for enlistment in the Regular Army, who have had such military or technical training as may be prescribed by regulations of the Secretary of War. All enlistments in force at the outbreak of war or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination, unless sooner terminated by the President.

"Sec. 55a. Organization of the Enlisted Reserve Corps: The President may form any or all members of the Enlisted Reserve Corps into tactical organizations similar to those of the Regular Army, similarly armed, uniformed, and equipped, and composed, so far as practicable, of men residing in the same locality, may officer them by the assignment of reserve officers or officers of the Regular Army, active or retired, and may detail such personnel of the Army as may be necessary for the administration of such organizations and the care of Government property issued to them.

"Sec. 55b. Reservists on active duty: Members of the Enlisted Reserve Corps may be placed on active duty, as individuals or organizations, in the discretion of the President, but except in time of a national emergency expressly declared by Congress no reservist shall be ordered to active duty in excess of the number permissible under appropriations made for this specific purpose, nor for a longer period than 15 days in any one calendar year without his own consent. While on active duty they shall receive the same pay and allowances as other enlisted men of like grades and length of service.

"Sec. 55c. Military equipment and instructors at other schools and colleges: The Secretary of War is hereby authorized, under such regulations as he may prescribe, to issue such arms, tentage, and equipment as he shall deem necessary for proper military training to schools and colleges, other than those provided for in section 40 of this act, having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years; and the Secretary of War is hereby authorized to detail such available active or retired officers, warrant officers, and enlisted men of the Regular Army as he may deem necessary to said schools and colleges, other than those provided for in section 40 of this act: *Provided*, That while so detailed they shall receive active pay and allowances: *Provided further*,

That in time of peace retired officers, warrant officers, or enlisted men shall not be detailed under the provisions of this section without their consent.

"Sec. 36. That section 60 of said act be, and the same is hereby, amended by adding the following at the end thereof: 'Until July 1, 1921, companies and corresponding units of the National Guard may be recognized at a minimum enlisted strength of 50: *Provided*, That the National Guard of any State, Territory, and the District of Columbia may include such detachments or parts of units as may be necessary in order to form complete tactical units when combined with troops of other States.'

"Sec. 37. That section 69 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 69. Original enlistments in the National Guard shall be for a period of three years and subsequent enlistments for periods of one year each: *Provided*, That persons who have served in the Army for not less than six months, and have been honorably discharged therefrom, may, within two years after the passage of this act, enlist in the National Guard for a period of one year and reenlist for like periods.'

"Sec. 38. That section 70 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 70. Men enlisting in the National Guard of the several States, Territories, and the District of Columbia, shall sign an enlistment contract and subscribe to the following oath of enlistment: 'I do hereby acknowledge to have voluntarily enlisted this — day of —, 19—, as a soldier in the National Guard of the United States and of the State of —, for the period of three (or one) year—, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of —, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of —, and of the officers appointed over me according to law and the rules and articles of war.'

"Sec. 39. That said act be, and the same is hereby, amended by striking out section 71.

"Sec. 40. That section 72 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 72. Discharge of enlisted men from the National Guard: An enlisted man discharged from service in the National Guard, except when drafted into the military service of the United States under the provisions of section 111 of this act, shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

"Sec. 41. That section 74 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 74. Qualifications for National Guard officers: Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes, and shall have taken and subscribed to the oath of office prescribed in the preceding section of this act; officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers of the Army, Navy, or Marine Corps, enlisted men and former enlisted men of the Army, Navy, or Marine Corps who have received an honorable discharge therefrom; graduates of the United States Military and Naval Academies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the Regular Army who certified their fitness for appointment as commissioned officers; and for the technical branches or Staff Corps and departments, such other civilians as may be specially qualified for duty therein.

"Sec. 42. That section 78 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"Sec. 78. That hereafter, men duly qualified under regulations prescribed by the Secretary of War may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: 'I do hereby acknowledge to have voluntarily enlisted this — day of —,

19—, as a soldier in the National Guard Reserve of the United States and of the State of —, for a period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of —, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the governor of the State of —, and of the officers appointed over me according to law and the Rules and Articles of War": *Provided*, That members of said reserve, officers and enlisted men, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.

"SEC. 43. That said act be, and the same is hereby, amended by striking out section 79.

"SEC. 44. That section 81 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 81. Militia Bureau of the War Department: The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department. After January 1, 1921, the chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of present and former National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who hold commissions in the Officers' Reserve Corps, who have had 10 or more years' commissioned service in the National Guard, at least 5 of which has been in the line, and who have attained at least the grade of major. He shall hold office for four years, unless sooner removed for cause, and shall have the rank, pay, and allowances of a major general of the Regular Army during his tenure of office, but shall not be entitled to retirement or retired pay. While serving as chief his reserve commission shall continue in force and shall not be terminated except for cause assigned. Until the chief is appointed, as provided in this section, the President may assign an officer of the Regular Army, not below the grade of colonel, to perform the duties of chief. For duty in the Militia Bureau and for the instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers of the National Guard, who hold reserve commissions, to duty with the Regular Army, in addition to those attending service schools; and while so assigned they shall receive the same pay and allowances as Regular Army officers of like grades, to be paid out of the whole fund appropriated for the support of the militia."

"SEC. 45. That section 89 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 89. Animals for National Guard: Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of animals conforming to the Regular Army standards for the training of the National Guard, said animals to remain the property of the United States and to be used solely for military purposes.

"The number of animals so issued shall not exceed 32 for each battery of Field Artillery or troop of Cavalry, and a proportionate number for other mounted organizations, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the training of such organizations, condemned Army animals which are no longer fit for service, but which may be suitable for the purposes of instruction, such animals to be sold as now provided by law when said purposes shall have been served."

"SEC. 46. That section 90 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 90. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe:

Provided, That the men to be compensated, not to exceed five for each organization, shall be duly enlisted therein and shall be detailed by the organization commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia."

"SEC. 47. That section 109 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 109. Pay for the National Guard officers: Captains and lieutenants belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades as prescribed for the Regular Army for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding five in any one calendar month, at which they shall have been officially present for the entire required period, and at which at least 50 per cent of the commissioned strength and 60 per cent of the enlisted strength attend and participate for not less than one and one-half hours. Captains commanding organizations shall receive \$240 a year in addition to the drill pay herein prescribed. Officers above the grade of captain shall receive not more than \$500 a year, and officers below the grade of major, not belonging to organizations, shall receive not more than four-thirtieths of the monthly base pay of their grades for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be lawfully entitled to the same pay as an officer of corresponding grade in the Regular Army: *Provided*, That section 9 of an act amending the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the National Guard and National Guard Reserve, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

"SEC. 48. That section 110 of said act be, and the same is hereby, amended by striking out the first paragraph and inserting the following in lieu thereof:

"SEC. 110. Pay for National Guard enlisted men: Each enlisted man belonging to an organization of the National Guard shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding 8 in any one calendar month, and not exceeding 60 drills in one year: *Provided*, That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per cent of the drills or other exercises prescribed for his organization: *Provided further*, That the proviso contained in section 92 of this act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War."

"SEC. 49. That section 111 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 111. National Guard when drafted into Federal service: When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, whose permanent retention in the military service is not contemplated by law, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof; officers with rank not above that of colonel to be

appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men while in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service. On the termination of the emergency all persons so drafted shall be discharged from the Army, shall resume their membership in the militia, and, if the State so provide, shall continue to serve in the National Guard until the dates upon which their enlistments entered into prior to their draft would have expired if uninterrupted.

"SEC. 50. That said act be, and the same is hereby, amended by striking out section 114.

"SEC. 51. That said act be, and the same is hereby, amended by inserting after section 127 a new section, to be numbered 127a, and to read as follows:

"SEC. 127a. Miscellaneous provisions: Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein: *Provided*, That in lieu of the 50 per cent increase of pay provided for in this act any officer or enlisted man upon whom the rating of junior military aviator, or military aviator, has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall, while on duty which requires him to participate regularly and frequently in aerial flights, continue to have the rank, pay, and allowances and additional pay now provided by the act of June 3, 1916, and the act of July 24, 1917.

"Officers now carried as additional numbers shall be included in the numbers provided for by this act, and after June 30, 1920, shall no longer be additional, and any officer hereafter appointed, under the provisions of law, to a grade in which no vacancy exists, shall be an additional number in that grade until absorbed, and no longer.

"In time of war retired officers may be employed on active duty in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grades.

"The President is authorized to detail not more than five officers of the Medical Department for duty with the military relief division of the American National Red Cross.

"Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

"In determining relative rank and increase of pay for length of service, and, in the case of officers of the Regular Army, in determining rights of retirement, active duty performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, shall be credited to the same extent as service under a Regular Army Commission.

"In time of war any officer of the Regular Army may be appointed to higher temporary rank without vacating his permanent commission, such appointments in grades below that of brigadier general being made by the President alone, but all other appointments of officers in time of war shall be in the Officers' Reserve Corps.

"Unless special assignment is made by the President under the provisions of the one hundred and nineteenth article of war, all officers in the active service of the United States in any grade shall take rank according to date, which, in the case of an officer of the Regular Army, is that stated in his commission or letter of appointment, and, in the case of a reserve officer or an officer of the National Guard called into the service of the United States, shall precede that on which he is placed on active duty by a period equal to the total length of active service which he may have performed in the grade in which called or any higher grade. When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army. When length of such service is the same, officers of the Regular Army shall take rank among themselves according to their places on the promotion list, preceding reserve and National Guard officers of the same date of rank and length of service, who shall take rank among themselves according to age.

"Hereafter any retired officer who has been or shall be detailed on active duty shall receive the rank, pay, and allowances of the grade, not above that of colonel, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retire-

ment equal to the total amount of time during which he has been detailed to active duty since his retirement.

"Retired enlisted men who have served honorably as commissioned officers of the United States Army at some time between April 6, 1917, and November 11, 1918, including those who have been placed on the retired list during the World War, and who have been or may hereafter be discharged from their temporary commissions, shall receive the retired pay and allowances of warrant officers on the retired list, as provided in this act.

"Cadets graduated from the United States Military Academy during the present calendar year shall be commissioned as second lieutenants to date not earlier than July 2, 1920.

"The President is authorized to retain temporarily in service, under their present commissions, such emergency officers as he may deem necessary, but the total number so remaining in service, other than those undergoing treatment for physical reconstruction, shall not at any time exceed the total number of vacancies then existing in the Regular Army. Any such officer may be discharged when his services are no longer required, and all such officers shall be discharged not later than December 31, 1920. All officers of the Regular Army holding commissions granted for the period of the existing emergency, in whatever grade, shall be discharged therefrom not later than June 30, 1920. The President is authorized and directed to retain in service disabled emergency officers until their treatment for physical reconstruction has reached a point where they will not be further benefited by retention in a military hospital or in the military service.

"The Secretary of War is hereby authorized, in his discretion, to detail not to exceed 2 per cent of the commissioned officers of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places, as shall be best suited to enable such officers to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: *Provided*, That no expense shall be incurred by the United States in addition to the pay and allowances of the officers so detailed, except for the cost of tuition at such technical, professional, and other educational institutions.

"Whenever, prior to December 31, 1920, any person shall be nominated to the Senate for appointment to fill any office in the Regular Army provided for by this act, the President alone is authorized to appoint such person temporarily in the United States Army in the grade pertaining to such Regular Army office, to have rank and pay from the same dates as if such appointment were in the Regular Army. Such temporary appointment shall terminate upon acceptance, after confirmation, of the corresponding office in the Regular Army, or on March 4, 1921, if then still unconfirmed. If any officer of the Regular Army is retired while holding a temporary appointment made under the provisions of this paragraph, he shall have the rank of such temporary grade, and his retired pay shall be computed upon the pay of that grade.

"SEC. 52. That all laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.

"CHAPTER II.

"The articles included in this section shall be known as the Articles of War and shall at all times and in all places govern the armies of the United States.

"I. PRELIMINARY PROVISIONS.

"ARTICLE. 1. Definitions: The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

"(a) The word 'officer' shall be construed to refer to a commissioned officer;

"(b) The word 'soldier' shall be construed as including a noncommissioned officer, a private, or any other enlisted man;

"(c) The word 'company' shall be understood as including a troop or battery; and

"(d) The word 'battalion' shall be understood as including a squadron.

"ART. 2. Persons subject to military law: The following persons are subject to these articles and shall be understood as included in the term 'any person subject to military law,' or 'persons subject to military law,' whenever used in these articles: *Provided*, That nothing contained in this act, except as specifically provided in article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction unless otherwise specifically provided by law.

"(a) All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks Quartermaster Corps, and soldiers belong to the Regular Army of the United States; all volunteers, from the dates of their muster or acceptance into the military service of the United States; and all other persons lawfully called, drafted or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft or order to obey the same;

"(b) Cadets;

"(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;

"(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

"(e) All persons under sentence adjudged by courts-martial;

"(f) All persons admitted into the Regular Army Soldiers' Home at Washington, D. C.

"II. COURTS-MARTIAL.

"ART. 3. Courts-martial classified: Courts-martial shall be of three kinds, namely:

"First, general courts-martial;

"Second, special courts-martial; and

"Third, summary courts-martial.

"A. Composition.

"ART. 4. Who may serve on courts-martial: All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial. When appointing courts-martial the appointing authority shall detail as members thereof those officers of the command who, in his opinion, are best qualified for the duty by reason of age, training, experience, and judicial temperament; and officers having less than two years' service shall not, if it can be avoided without manifest injury to the service, be appointed as members of courts-martial in excess of the minority membership thereof.

"ART. 5. General courts-martial: General courts-martial may consist of any number of officers—not less than five.

"ART. 6. Special courts-martial: Special courts-martial may consist of any number of officers—not less than three.

"ART. 7. Summary courts-martial: A summary court-martial shall consist of one officer.

"B. By whom appointed.

"ART. 8. General courts-martial: The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Department, except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some branch of the service selected by the appointing authority as specially qualified to perform the duties of law member. The law member, in addition to his duties as a member, shall perform such other duties as the President may by regulations prescribe.

"ART. 9. Special courts-martial: The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried the court shall be appointed by superior authority, and

may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"ART. 10. Summary courts-martial: The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

"ART. 11. Appointment of trial judge advocates and counsel: For each general or special court-martial the authority appointing the court shall appoint a trial judge advocate and a defense counsel, and for each general court-martial one or more assistant trial judge advocates and one or more assistant defense counsel when necessary: *Provided, however*, That no officer who has acted as member, trial judge advocate, assistant trial judge advocate, defense counsel, or assistant defense counsel in any case shall subsequently act as staff judge advocate to the reviewing or confirming authority upon the same case.

"C. Jurisdiction.

"ART. 12. General courts-martial: General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles, and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy: *Provided further*, That the officer competent to appoint a general court-martial for the trial of any particular case may, when in his judgment the interest of the service shall so require, cause any case to be tried by a special court-martial notwithstanding the limitations upon the jurisdiction of the special court-martial as to offenses set out in article 13; but the limitations upon jurisdiction as to persons and upon punishing power set out in said article shall be observed.

"ART. 13. Special courts-martial: Special courts-martial shall have power to try any person subject to military law for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

"Special courts-martial shall not have power to adjudge confinement in excess of six months, nor to adjudge forfeiture of more than two-thirds pay per month for a period of not exceeding six months.

"ART. 14. Summary courts-martial: Summary courts-martial shall have power to try any person subject to military law, except an officer, a member of the Army Nurse Corps, a warrant officer, an Army field clerk, a field clerk Quartermaster Corps, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may, by regulations, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

"Summary courts-martial shall not have power to adjudge confinement in excess of one month, restriction to limits for more than three months, or forfeiture or detention of more than two-thirds of one month's pay.

"ART. 15. Jurisdiction not exclusive: The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be triable by such military commissions, provost courts, or other military tribunals.

"ART. 16. Officers; how triable: Officers shall be triable only by general and special courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank.

"D. Procedure.

"ART. 17. Trial judge advocate to prosecute; counsel to defend: The trial judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall have the right to be represented

in his defense before the court by counsel of his own selection, civil counsel if he so provides, or military if such counsel be reasonably available, otherwise by the defense counsel duly appointed for the court pursuant to article 11. Should the accused have counsel of his own selection, the defense counsel and assistant defense counsel, if any, of the court, shall, if the accused so desires, act as his associate counsel.

"ART. 18. Challenges: Members of a general or special court-martial may be challenged by the accused or the trial judge advocate for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time. Challenges by the trial judge advocate shall ordinarily be presented and decided before those by the accused are offered. Each side shall be entitled to one peremptory challenge; but the law member of the court shall not be challenged except for cause.

"ART. 19. Oaths: The trial judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: 'You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority or duly announced by the court, except to the trial judge advocate and assistant trial judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial upon a challenge or upon the findings or sentence, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God.'

"When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the trial judge advocate and to each assistant trial judge advocate, if any, an oath or affirmation in the following form: 'You, A. B., do swear (or affirm) that you will faithfully and impartially perform the duties of a trial judge advocate, and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God.'

"All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: 'You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.'

"Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.'

"Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 20. Continuances: A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

"ART. 21. Refusal or failure to plead: When an accused arraigned before a court-martial fails or refuses to plead, or answers foreign to the purpose, or after a plea of guilty makes a statement inconsistent with the plea, or when it appears to the court that he entered a plea of guilty improvidently or through lack of understanding of its meaning and effect, the court shall proceed to trial and judgment as if he had pleaded not guilty.

"ART. 22. Process to obtain witnesses: Every trial judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions.

"ART. 23. Refusal to appear or testify: Every person not subject to military law who, being duly subpoenaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, com-

mission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses: *Provided further*, That every person not subject to military law, who before any court-martial, military tribunal, or military board, or in connection with, or in relation to any proceedings or investigation before it or had under any of the provisions of this act, is guilty of any of the acts made punishable as offenses against public justice by any provision of chapter 6 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States' (35 U. S. Stat. L., 1088), or any amendment thereof, shall be punished as therein provided.

"ART. 24. Compulsory self-incrimination prohibited: No witness before a military court, commission, court of inquiry, or board, or before any officer conducting an investigation, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, or before an officer conducting an investigation, shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him, or to answer any question not material to the issue when such answer might tend to degrade him.

"ART. 25. Depositions; when admissible: A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of 100 miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases.

"ART. 26. Depositions—Before whom taken: Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

"ART. 27. Courts of inquiry—Records of, when admissible: The record of the proceedings of a court of inquiry may, with the consent of the accused, be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

"ART. 28. Certain acts to constitute desertion: Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

"Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

"Any person subject to military law who quits his organization or place of duty with the intent to avoid hazardous duty or to shirk important service shall be deemed a deserter.

"ART. 29. Court to announce action: Whenever the court has acquitted the accused upon all specifications and charges, the court shall at once announce such result in open court. Under such regulations as the President may prescribe, the findings and sentence in other cases may be similarly announced.

"ART. 30. Closed sessions: Whenever a general or special court-martial shall sit in closed session, the trial judge advocate and the assistant trial judge advocate, if any, shall withdraw; and when their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel, if there be any.

"ART. 31. Method of voting: Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who will forthwith announce the result of the ballot to the members of the court. The law member of the court, if any, or if there be no law member of the court, then the president, may rule in open court upon interlocutory questions, other than challenges, arising during the proceedings: *Provided*, That unless such ruling be made by the law member of the court if any member object thereto the court shall be cleared and closed and the question decided by a majority vote, *viva voce*, beginning with the junior in rank: *And provided further*, That if any such ruling be made by the law member of the court upon any interlocutory question other than an objection to the admissibility of evidence offered during the trial, and any member object to the ruling, the court shall likewise be cleared and closed and the question decided by a majority vote, *viva voce*, beginning with the junior in rank: *Provided further, however*, That the phrase, 'objection to the admissibility of evidence offered during the trial,' as used in the next preceding proviso hereof, shall not be construed to include questions as to the order of the introduction of witnesses or other evidence, nor of the recall of witnesses for further examination, nor as to whether expert witnesses shall be admitted or called upon any question, nor as to whether the court shall view the premises where an offense is alleged to have been committed, nor as to the competency of witnesses, as, for instance, of children, witnesses alleged to be mentally incompetent, and the like, nor as to the insanity of accused, or whether the existence of mental disease or mental derangement on the part of the accused has become an issue in the trial, or accused required to submit to physical examination, nor whether any argument or statement of counsel for the accused or of the trial judge advocate is improper, nor any ruling in a case involving military strategy or tactics or correct military action; but, upon all these questions arising on the trial, if any member object to any ruling of the law member, the court shall be cleared and closed and the question decided by majority vote of the members in the manner aforesaid.

"ART. 32. Contempts: A military tribunal may punish as for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder: *Provided*, That such punishment shall in no case exceed one month's confinement, or a fine of \$100, or both.

"ART. 33. Records—General courts-martial: Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the trial judge advocate; but in case the record can not be authenticated by the president and trial judge advocate, by reason of the death, disability, or absence of either or both of them, it shall be signed by a member in lieu of the president and by an assistant trial judge advocate, if there be one, in lieu of the trial judge advocate; otherwise by another member of the court.

"ART. 34. Records—Special and summary courts-martial: Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the President may from time to time prescribe.

"ART. 35. Disposition of records—General courts-martial: The trial judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been acted upon, be transmitted to the Judge Advocate General of the Army.

"ART. 36. Disposition of records—Special and summary courts-martial: After having been acted upon by the officer appoint-

ing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of summary courts-martial may be destroyed.

"ART. 37. Irregularities—Effect of: The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence or for any error as to any matter of pleading or procedure unless in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles: *Provided further*, That the omission of the words 'hard labor' in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments.

"ART. 38. President may prescribe rules: The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

"E. Limitations upon prosecutions."

"ART. 39. As to time: Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles 93 and 94 of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

"ART. 40. As to number: No person shall, without his consent, be tried a second time for the same offense; but no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the reviewing and, if there be one, the confirming authority shall have taken final action upon the case.

"No authority shall return a record of trial to any court-martial for reconsideration of—

"(a) An acquittal; or

"(b) A finding of not guilty of any specification; or

"(c) A finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of war; or

"(d) The sentence originally imposed, with a view to increasing its severity, unless such sentence is less than the mandatory sentence fixed by law for the offense or offenses upon which a conviction has been had.

"And no court-martial, in any proceedings on revision, shall reconsider its finding or sentence in any particular in which a return of the record of trial for such reconsideration is heretofore prohibited.

"F. Punishments."

"ART. 41. Cruel and unusual punishments prohibited: Cruel and unusual punishments of every kind, including flogging, branding, marking, or tattooing on the body, are prohibited.

"ART. 42. Places of confinement—When lawful: Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in a penitentiary unless an act or omission of which he is convicted is recognized as an offense

of a civil nature and so punishable by penitentiary confinement for more than one year by some statute of the United States, of general application within the continental United States, excepting section 289, Penal Code of the United States, 1910, or by the law of the District of Columbia, or by way of commutation of a death sentence, and unless, also, the period of confinement authorized and adjudged by such court-martial is more than one year: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby authorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary shall be confined in the United States disciplinary barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary.

"ART. 43. Death sentence—When lawful: No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of all the members of said court-martial present at the time the vote is taken, and for an offense in these articles expressly made punishable by death; nor sentenced to life imprisonment, nor to confinement for more than 10 years, except by the concurrence of three-fourths of all of the members present at the time the vote is taken. All other convictions and sentences, whether by general or special court-martial, may be determined by a two-thirds vote of those members present at the time the vote is taken. All other questions shall be determined by a majority vote.

"ART. 44. Cowardice; fraud—Accessory penalty: When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

"ART. 45. Maximum limits: Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not exceed such limit or limits as the President may from time to time prescribe: *Provided*, That in time of peace the period of confinement in a penitentiary shall in no case exceed the maximum period prescribed by the law which, under article 42 of these articles, permits confinement in a penitentiary, unless in addition to the offense so punishable under such law the accused shall have been convicted at the same time of one or more other offenses.

"G. Action by appointing or superior authority.

"ART. 46. Action by convening authority: Under such regulations as may be prescribed by the President every record of trial by general court-martial or military commission received by a reviewing or confirming authority shall be referred by him, before he acts thereon, to his staff judge advocate or to the Judge Advocate General. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.

"ART. 47. Powers incident to power to approve: The power to approve the sentence of a court-martial shall be held to include:

"(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to approve or disapprove the whole or any part of the sentence.

"(c) The power to remand a case for rehearing, under the provisions of article 50½.

"ART. 48. Confirmation—When required: In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

"(a) Any sentence respecting a general officer;

"(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division;

"(c) Any sentence extending to the suspension or dismissal of a cadet; and

"(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution, subject to the provisions of article 50½, upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

"When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary.

"ART. 49. Powers incident to power to confirm: The power to confirm the sentence of a court-martial shall be held to include:

"(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to confirm or disapprove the whole or any part of the sentence.

"(c) The power to remand a case for rehearing, under the provisions of article 50½.

"ART. 50. Mitigation of remission of sentences: The power to order the execution of the sentence adjudged by a court-martial shall be held to include, *inter alia*, the power to mitigate or remit the whole or any part of the sentence.

"Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority, and no approved sentence of loss of files by an officer shall be remitted or mitigated by any authority inferior to the President, except as provided in the fifty-second article.

"When empowered by the President so to do, the commanding general of the Army in the field or the commanding general of the territorial department or division, may approve or confirm and commute (but not approve or confirm without commuting), mitigate, or remit and then order executed as commuted, mitigated, or remitted any sentence which under these articles requires the confirmation of the President before the same may be executed.

"The power of remission or mitigation shall extend to all uncollected forfeitures adjudged by sentence of court-martial.

"ART. 50½. Review; rehearing: The Judge Advocate General shall constitute, in his office, a board of review consisting of not less than three officers of the Judge Advocate General's Department.

"Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46, article 48, or article 51 is submitted to the President, such record shall be examined by the board of review. The board shall submit its opinion, in writing, to the Judge Advocate General, who shall, except as herein otherwise provided, transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

"Except as herein provided, no authority shall order the execution of any other sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence; except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When in a case in which the order of execution

has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or that errors of law have been committed injuriously affecting the substantial rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated in whole or in part in accord with such holding and the recommendations of the Judge Advocate General thereon, and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper. In the event that the Judge Advocate General shall not concur in the holding of the board of review, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part, with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

"When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing. Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: *Provided*, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed injuriously affecting the substantial rights of the accused, unless, in accord with such action, and the recommendations of the Judge Advocate General thereon, the findings or sentence are approved in part only, or the record is returned for revision, or unless the case is dismissed by order of the reviewing or confirming authority. After any such rehearing had on the order of the President, the record of trial shall, after examination by the board of review, be transmitted by the Judge Advocate General, with the board's opinion and his recommendations, directly to the Secretary of War for the action of the President.

"Every record of trial by general court-martial, examination of which by the board of review is not hereinbefore in this article provided for, shall nevertheless be examined in the Judge Advocate General's office; and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove, or vacate, in whole or in part, any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government.

"Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

"Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an Assistant Judge Advocate General, with any distant command, and to establish in such branch office a board of review, or more than one. Such Assistant Judge Advocate General and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General, the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President.

"ART. 51. Suspension of sentences of dismissal or death: The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in

case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President.

"ART. 52. Suspension of sentences: The authority competent to order the execution of the sentence of a court-martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War or the commanding officer holding general court-martial jurisdiction over any such offender, may at any time thereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions, the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted, subject to like power of suspension. The death or honorable discharge of a person under a suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence.

"ART. 53. Execution or remission—Confinement in disciplinary barracks: When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War.

"III. PUNITIVE ARTICLES.

"A. Enlistment; Muster; Returns.

"ART. 54. Fraudulent enlistment: Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct.

"ART. 55. Officer making unlawful enlistment: Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"ART. 56. False muster: Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 57. False returns—Omission to render returns: Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.

"B. Desertion; Absence without leave.

"ART. 58. Desertion: Any person subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 59. Advising or aiding another to desert: Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 60. Entertaining a deserter: Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the

deserter belongs, shall be punished as a court-martial may direct.

"ART. 61. Absence without leave: Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct.

C. Disrespect; Insubordination; Mutiny.

"ART. 62. Disrespect toward the President, Vice President, Congress, Secretary of War, governors, legislatures: Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct.

"ART. 63. Disrespect toward superior officer: Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct.

"ART. 64. Assaulting or willfully disobeying superior officer: Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

"ART. 65. Insubordinate conduct toward noncommissioned officer: Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a warrant officer or a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a warrant officer or a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

"ART. 66. Mutiny or sedition: Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct.

"ART. 67. Failure to suppress mutiny or sedition: Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer shall suffer death or such other punishment as a court-martial may direct.

"ART. 68. Quarrels; frays; disorders: All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks, Quartermaster Corps, and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer, nurse, band leader, warrant officer, field clerk, or noncommissioned officer, or draws a weapon upon or otherwise threatens or does violence to him, shall be punished as a court-martial may direct.

"D. Arrest; Confinement.

"ART. 69. Arrest or confinement: Any person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest as circumstances may require; but when charged with a minor offense only such person shall not ordinarily be placed in confinement. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer or cadet who breaks his arrest or who escapes from confinement, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be punished as a court-martial may direct.

"ART. 70. Charges; action upon: Charges and specifications must be signed by a person subject to military law, and under oath either that he has personal knowledge of, or has investi-

gated, the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

"No charge will be referred for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides.

"Before directing the trial of any charge by general court-martial the appointing authority will refer it to his staff judge advocate for consideration and advice.

"When any person subject to military law is placed in arrest or confinement immediate steps will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in investigating or carrying the case to a final conclusion shall be punished as a court-martial may direct. When a person is held for trial by general court-martial the commanding officer will, within eight days after the accused is arrested or confined, if practicable, forward the charges to the officer exercising general court-martial jurisdiction and furnish the accused a copy of such charges. If the same be not practicable, he will report to superior authority the reasons for delay. The trial judge advocate will cause to be served upon the accused a copy of the charges upon which trial is to be had, and a failure so to serve such charges will be ground for a continuance unless the trial be had on the charges furnished the accused as hereinbefore provided. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

"ART. 71. Refusal to receive and keep prisoners: No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall, at the time, deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct.

"ART. 72. Report of prisoners received: Every commander of a guard to whose charge a prisoner is committed shall, within 24 hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report he shall be punished as a court-martial may direct.

"ART. 73. Releasing prisoner without proper authority: Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

"ART. 74. Delivery of offenders to civil authorities: When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him, in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence.

"E. War offenses.

"ART. 75. Misbehavior before the enemy: Any officer or soldier who, before the enemy, misbehaves himself, runs away, or shamefully abandons or delivers up or by any misconduct, dis-

obedience, or neglect endangers the safety of any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct.

"ART. 76. Subordinates compelling commander to surrender: Any person subject to military law who compels or attempts to compel any commander of any garrison, fort, post, camp, guard, or other command, to give it up to the enemy or to abandon it shall be punishable with death or such other punishment as a court-martial may direct.

"ART. 77. Improper use of countersign: Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct.

"ART. 78. Forcing a safeguard: Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

"ART. 79. Captured property to be secured for public service: All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct.

"ART. 80. Dealing in captured or abandoned property: Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who falls whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

"ART. 81. Relieving, corresponding with, or aiding the enemy: Whosoever relieves or attempts to relieve the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as a court-martial or military commission may direct.

"ART. 82. Spies: Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

"F. Miscellaneous crimes and offenses.

"ART. 83. Military property—Willful or negligent loss, damage, or wrongful disposition: Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.

"ART. 84. Waste or unlawful disposition of military property issued to soldiers: Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.

"ART. 85. Drunk on duty: Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct.

"ART. 86. Misbehavior of sentinel: Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

"ART. 87. Personal interest in sale of provisions: Any officer commanding in any garrison, fort, barracks, camp, or other

place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessities of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 88. Intimidation of persons bringing provisions: Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessities to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct.

"ART. 89. Good order to be maintained and wrongs redressed: All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

"ART. 90. Provoking speeches or gestures: No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

"ART. 91. Duelling: Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

"ART. 92. Murder—Rape: Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

"ART. 93. Various crimes: Any person subject to military law who commits manslaughter, mayhem, arson, burglary, house-breaking, robbery, larceny, embezzlement, perjury, forgery, sodomy, assault with intent to commit any felony, assault with intent to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

"ART. 94. Frauds against the Government: Any person subject to military law who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

"Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

"Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

"Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

"Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or

"Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

"Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed, and if any officer, being guilty, while in the military service of the United States, of embezzlement of ration savings, post exchange, company, or other like funds, or of embezzlement of money or other property intrusted to his charge by an enlisted man or men, receives his discharge, or is dismissed, or is dropped from the rolls, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not been so discharged, dismissed, or dropped from the rolls.

"ART. 95. Conduct unbecoming an officer and gentleman: Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

"ART. 96. General article: Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

"IV. COURTS OF INQUIRY.

"ART. 97. When and by whom ordered: A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into.

"ART. 98. Composition: A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder.

"ART. 99. Challenges: Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available.

"ART. 100. Oath of members and recorders: The recorder of a court of inquiry shall administer to the members the following oath: 'You, A. B., do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward. So help you God.' After which the president of the court shall administer to the recorder the following oath: 'You, A. B., do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 101. Powers; procedure: A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the trial judge advocate thereof. Such witnesses shall take the same

oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

"ART. 102. Opinion on merits of case: A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

"ART. 103. Record of proceedings—How authenticated: Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof, and be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court.

"V. MISCELLANEOUS PROVISIONS.

"ART. 104. Disciplinary powers of commanding officers: Under such regulations as the President may prescribe, the commanding officer of any detachment, company, or higher command may, for minor offenses impose disciplinary punishments upon persons of his command without the intervention of a court-martial, unless the accused demands trial by court-martial.

"The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges for not exceeding one week, extra fatigue for not exceeding one week, restriction to certain specified limits for not exceeding one week, and hard labor without confinement for not exceeding one week, but shall not include forfeiture of pay or confinement under guard; except that in time of war or grave public emergency a commanding officer of the grade of brigadier general or of higher grade may, under the provisions of this article also impose upon an officer of his command below the grade of major a forfeiture of not more than one-half of such officer's monthly pay for one month. A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

"ART. 105. Injuries to property—Redress of: Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

"Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

"ART. 106. Arrest of deserters by civil officials: It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States.

"Art. 107. Soldiers to make good time lost: Every soldier who in an existing or subsequent enlistment deserts the service of the United States or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve.

"Art. 108. Soldiers—Separation from the service: No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

"Art. 109. Oath of enlistment: At the time of his enlistment every soldier shall take the following oath or affirmation: 'I, ———, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War.' This oath or affirmation may be taken before any officer.

"Art. 110. Certain articles to be read and explained: Articles 1, 2, and 29, 54 to 96, inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

"Art. 111. Copy of record of trial: Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial.

"Art. 112. Effects of deceased persons—Disposition of: In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters; and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors and to pay the undisputed local creditors of decedent in so far as any money belonging to the deceased which may come into said summary court's possession under this article will permit, taking receipts therefor for file with said court's final report upon its transactions to the War Department; and as soon as practicable after the collection of such effects said summary court shall transmit such effects and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than 30 days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an in-

ventory of the effects secured by said summary court, and a full account of its transactions, to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

"Art. 113. Inquests: When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death.

"Art. 114. Authority to administer oaths: Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the trial judge advocate or any assistant trial judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

"Art. 115. Appointment of reporters and interpreters: Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same, in the first instance, in shorthand. Under like regulations the president of a court-martial or military commission, or court of inquiry, or a summary court, may appoint an interpreter, who shall interpret for the court or commission.

"Art. 116. Powers of assistant trial judge advocate and of assistant defense counsel: An assistant trial judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the trial judge advocate of the court. An assistant defense counsel shall be competent likewise to perform any duty devolved by law, regulation, or the custom of the service upon counsel for the accused.

"Art. 117. Removal of civil suits: When any civil or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 33 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause.

"Art. 118. Officers, separation from service: No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction.

"Art. 119. Rank and precedence among Regulars, Militia, and Volunteers: That in time of war or public danger, when

two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade.

"ART. 120. Command when different corps or commands happen to join: When different corps or commands of the military forces of the United States happen to join or do duty together, the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President.

"ART. 121. Complaints of wrongs: Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

"SEC. 2. That the provisions of Chapter II of this act shall take effect and be in force eight months after the approval of this act: *Provided*, That articles 2, 23, and 45 shall take effect immediately.

"SEC. 3. That all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of Chapter II of this act, under any law embraced in or modified, changed, or repealed by Chapter II of this act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this act had not been passed.

"SEC. 4. That section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and all laws and parts of laws in so far as they are inconsistent with this act are hereby repealed."

JULIUS KAHN,
D. R. ANTHONY, Jr.,
JOHN C. MCKENZIE,
S. H. DENT, Jr.,
W. J. FIELDS,

Managers on the part of the House.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
HARRY S. NEW,
GEO. E. CHAMBERLAIN,
C. S. THOMAS,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of Representatives at a conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, submit the following statement:

The Senate passed this bill with an amendment which took the form of striking out the entire House bill and substituting a new one entirely different in form. The conferees agreed to return to the form and substance of the House bill, making certain changes, the most important of which will be mentioned hereafter. The bill as now reported back is, then, merely a thorough revision of the national defense act, which is what the House originally contemplated. The commissioned strength finally agreed upon was that contained in the original House bill, while the enlisted strength is that proposed by the Senate, i. e., a total of 280,000, as against a possible maximum of 299,000 according to the original House bill.

The provisions for the general organization of the Army are stated somewhat more in detail than in the House bill, so that the organization of the peace establishment shall include not only the Regular Army but also the citizen forces, namely, the National Guard and the Organized Reserves, which comprises the Officers' Reserve Corps and the Enlisted Reserve Corps of the present law.

In this respect the bill as now reported follows the recommendations of the Senate.

The number of warrant officers finally adopted was 1,120, as against the 1,575 contained in the original House bill and 750 in the Senate bill. Those belonging to the Army Mine Planter Service were included in the 750 proposed by the Senate, while they are additional to the numbers adopted by the House and by the conferees. The House conferees further accepted the

recommendation of the Senate that band leaders shall be warrant officers instead of commissioned officers.

The provisions as to the pay of enlisted men were rewritten so as to harmonize with recent legislation increasing the pay of the Army and Navy, the total cost remaining practically unchanged.

In the matter of the appointment of chiefs and assistants to the chiefs of the several branches, the Senate conferees agreed to the provision in the House bill that chiefs shall be selected from among officers of the grade of colonel. As to assistants, a compromise was arrived at. The House limited such appointments to officers of the grade of colonel, and the Senate made officers as low as major eligible. The conferees agreed on the provision whereby all officers of 15 years' commissioned service shall be eligible for such appointment.

The provisions as to detached service of officers—the so-called Manchu law—are those of the House bill.

The strength of the General Staff remains as fixed by the House, and the other provisions regarding it are substantially the same, with one exception. This authorizes and directs that whenever policies or regulations affecting the National Guard or the reserves are to be worked out, the work shall be done by committees of the General Staff upon which reserve and National Guard officers have equal representation with officers of the Regular Army.

The Senate accepted the title of the Assistant Secretary of War in place of undersecretary of war, the duties of the office in the two bills being practically the same.

The House conferees accepted the Senate provisions for a war council, to be composed of the Secretary and Assistant Secretary of War, the General of the Army, and the Chief of Staff. All policies which involve both military and procurement problems are to be discussed and worked out in this council.

As to the staff departments, there was no material difference between the two bills except as to the services of construction and transportation. The House bill had continued both of these services in the Quartermaster Corps, where they were before the war. The Senate bill established separate branches for each of these two services. The conferees adopted the provisions of the House bill.

In the section relating to the Medical Department the House conferees agreed to the Senate proposition whereby officers of this department should not be placed on the general promotion list, but should be promoted strictly on the basis of commissioned service. This serves the same purpose which the House had in mind, namely, to separate questions of promotion from those of organization. The number of officers of the Veterinary Corps was fixed at 175, as against 140 proposed by the House and 200 proposed by the Senate. The provision for the relative rank of nurses was agreed to, it being contained in both bills.

The Senate accepted the House provision for the promotion of chaplains, allowing them to rise to the grade of lieutenant colonel. It was also decided to authorize one chaplain to be detailed, with the rank of colonel, to perform general supervisory duties relating to the work of chaplains, this plan being adopted in preference to that proposed by the Senate bill constituting a board for this purpose.

The Senate conferees accepted the House proposition that retired officers in the Philippine Scouts should hereafter have the pay of second lieutenants, and that those officers in the Philippine Scouts who are found qualified shall be transferred to the Regular Army, while those not found so qualified shall continue to serve under their scout commissions.

In the matter of filling original vacancies in the Army and of forming the original promotion list, it was agreed that the maximum age limit for appointment in the combatant branches should be 50 years, and in the noncombatant branches 58 years. Otherwise the House limitations as to age were accepted. The House conferees agreed to the Senate proposition that commissioned service in the National Guard where called out during the war, but prior to the draft, shall be included in determining the place of officers upon the promotion list. As already stated, medical officers will be omitted from this list.

The Senate conferees accepted the House provisions as to the classification of officers—that is, in two classes instead of three—while the House conferees agreed to the Senate provision for the review of the classification board's action by a court of inquiry in case the officer adversely affected demands it. The House conferees accepted the Senate proposal whereby the examination of officers for promotion is, in general, omitted, being convinced that the classification system will furnish an entirely satisfactory substitute.

The rules as to the appointment of officers were somewhat simplified and clarified, several of the groups from which the appointees may be chosen being merged into one.

The period of enlistment in the Regular Army was fixed at one or three years, at the option of the soldier, for original enlistments, while reenlistments are to be for three-year periods. Enlistments and reenlistments for three years are encouraged by offering an allowance equivalent to three months' pay of a private for any such enlistment. This is a slight extension of the privilege granted by existing law.

The provisions as to the Officers' Reserve Corps and Enlisted Reserve Corps have been somewhat modified in details, particularly in prescribing that reserve organizations shall be localized so far as practicable and that reserve officers or enlisted men shall not be liable to call for extended periods except when Congress shall so direct. Liberal terms are offered for the enrollment of war veterans in the Enlisted Reserve Corps.

The sections relating to the Reserve Officers' Training Corps, which were prepared with the advice of the authorities of the educational institutions concerned, were nearly the same in the two bills, and are, therefore, reported back practically unamended.

The sections relating to the National Guard are here presented in practically the form in which they passed the House. The Chief of the Militia Bureau is to be a national guardsman, while it is further provided that he shall also be a reserve officer, full authority being carried in the bill as now reported for reserve officers to accept National Guard commissions and National Guard officers to accept reserve commissions. It was further decided that the selection of the Chief of the Militia Bureau shall be made from eligible officers who are recommended by the governors of the several States and Territories as suitable for such appointments. This insures that the position shall be held by a representative national guardsman.

The section relating to the draft of the National Guard in time of war has been somewhat modified. It will be recalled that what the House sought to accomplish was the automatic reconstitution of the National Guard upon its release from service under the draft. The section as now drawn is believed to be somewhat more satisfactory for this purpose than that which was originally enacted by the House.

A provision is made for the transition period, before this act can be made fully effective, by authorizing the retention of the emergency officers for a brief period, until it can be determined which ones are to receive Regular Army appointments. Temporary advanced rank for officers of the Regular Army, however, is abolished.

The House conferees agreed that the revised Articles of War should be attached to the reorganization bill. These Articles of War were passed by the Senate as a part of that body's reorganization bill, and have been reported to the House in very nearly the same form. The form finally agreed upon is that of the House bill.

JULIUS KAHN,
D. R. ANTHONY, Jr.,
JOHN C. MCKENZIE,
Managers on the part of the House.

We, the undersigned managers on the part of the House, have signed the report and this statement because we think the matters in dispute between the two Houses were in the main decided correctly and in accordance with the views of the House.

There were some features of the bill as originally passed by both Houses to which we do not subscribe, and for that reason reserve the right to vote against the conference report, although approving as a whole the adjustment of the matters really in dispute.

S. H. DENT, Jr.,
W. J. FIELDS,
Managers on the part of the House.

During the reading of the conference report the following occurred:

Mr. KAHN. Mr. Speaker, I ask unanimous consent that further reading of the conference report be dispensed with and that the statement be read instead.

The SPEAKER. The gentleman from California asks unanimous consent that further reading of the conference report be dispensed with and that the statement be read instead. Is there objection?

Mr. CRAMTON. I object.

The SPEAKER. The gentleman from Michigan objects. The Clerk will read.

The Clerk proceeded with the reading of the conference report.

Mr. BAER. Mr. Speaker, I ask unanimous consent that the further reading of the report be dispensed with, and that we substitute in lieu thereof the accompanying statement. There is a lot of important business on hand and pending.

Mr. CRAMTON. Mr. Speaker, I make the point that the gentleman's request is dilatory. I object.

The SPEAKER pro tempore (Mr. Goon). Objection is made. The Clerk will read.

The Clerk proceeded with the reading of the conference report.

Mr. MURPHY. Mr. Speaker, I make the point of order that there is no quorum present, and I think the reading clerk needs a rest.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count. [After counting.] It is clear that there is no quorum present.

Mr. KAHN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dunn	Jones, Pa.	Reavis
Anthony	Dyer	Kelley, Mich.	Reber
Barkley	Edmonds	Kennedy, Iowa	Rhodes
Black	Ellsworth	Kennedy, R. I.	Riddick
Blackmon	Elston	Kettner	Riordan
Booher	Evans, Nev.	Kless	Rucker
Britten	Garland	Kitchin	Scott
Brumbaugh	Glynn	Klecza	Scully
Burke	Godwin, Ark.	Kreider	Sears
Burroughs	Good	Langley	Shreve
Butler	Goodall	Lankford	Sims
Cantrill	Gould	McCulloch	Simp
Caraway	Graham, Pa.	McPherson	Small
Carss	Hamill	Mansfield	Smithwick
Carter	Hastings	Mason	Snell
Clark, Fla.	Haugen	Merritt	Snyder
Clark, Mo.	Hayden	Morin	Steele
Cleary	Hays	Mudd	Sullivan
Cole	Hernandez	Nelson, Wis.	Thomas
Costello	Hersey	Oldfield	Tillman
Crisp	Holland	Oliver	Walters
Curry, Calif.	Houghton	Parker	Wood, Ind.
Dale	Hulings	Platt	Young, N. Dak.
Davis, Minn.	Husted	Porter	
Dewalt	Johnson, S. Dak.	Pou	
Drane	Johnson, Wash.	Randall, Calif.	

The SPEAKER. Three hundred and twenty-seven Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will resume the reading of the conference report.

Mr. GOODYKOONTZ. Mr. Speaker, I wish to submit a unanimous-consent request. I ask the privilege of extending my remarks in the Record on the subject of the United States Railroad Labor Board, urging prompt action.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk resumed the reading of the conference report.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the further reading of the report be dispensed with.

The SPEAKER pro tempore (Mr. Madden). The gentleman from Iowa asks unanimous consent that the further reading of the conference report be dispensed with. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. I have promised several gentlemen that I will allow them to have a little time.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. BLANTON. I just wanted to ask the distinguished gentlemen from Iowa [Mr. Good] how he accomplished it. [Laughter.]

Mr. KAHN. I yield eight minutes, Mr. Speaker, to the gentleman from Mississippi [Mr. Quin].

The SPEAKER pro tempore. Apparently the gentleman from Mississippi is not present.

Mr. KAHN. Then I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Will it be in order for me to discuss a matter that is not related to the conference report without getting unanimous consent?

The SPEAKER. It will not.

Mr. BANKHEAD. In that situation, then, I ask unanimous consent that in the time granted to me by the courtesy of the chairman of the committee [Mr. KAHN] I may be allowed to proceed out of order.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed in his five minutes out of order. Is there objection?

Mr. CANNON. How much debate is there to be on this conference report?

The SPEAKER. The gentleman from California [Mr. KAHN] has an hour.

Mr. BLAND of Indiana. Mr. Speaker, I would like to know the subject that is to be discussed.

Mr. BANKHEAD. It is in regard to the propaganda that is being sent to the Members of the House each day in reference to the Muscle Shoals nitrate plant. It is a matter of great importance to every Member of the House.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, would the gentleman object to coupling with that a request that a similar right be given to the gentleman from Kansas [Mr. STRONG]?

Mr. KAHN. I did not catch the question of the gentleman from Michigan.

Mr. CRAMTON. May I ask the gentleman from California if the gentleman from Kansas [Mr. STRONG] is to have time?

Mr. KAHN. He has not asked for time, but the gentleman from Nebraska [Mr. ANDREWS] has asked for two minutes.

Mr. FERRIS. Reserving the right to object—which I do not intend to do—will the gentleman from Alabama [Mr. BANKHEAD] or the gentleman from California [Mr. KAHN] save enough time to explain the conference report?

Mr. KAHN. I will do so. I have an hour. Then I will move the previous question.

Mr. FERRIS. I wanted to ask a question or two about the conference report myself. I wanted to know if I would have opportunity to do that.

Mr. KAHN. I think the gentleman will have that opportunity.

Mr. FERRIS. If the time is all given away for general debate not upon the bill, we will not have that time.

Mr. WALSH. Reserving the right to object, is this matter which the gentleman from Alabama intends to discuss at all germane to the conference report?

Mr. FERRIS. He said not.

Mr. BANKHEAD. Not directly. It is a statement which I should like to have permission to read to the House.

The SPEAKER. Is there objection to the request of the gentleman?

Mr. CANNON. Mr. Speaker, I have rarely objected to anything, speeches or otherwise. I hope that before the adjournment or the recess the gentleman will get his time, and that every other gentleman who wants to talk about something other than this bill will have opportunity to do so; but I shall object to any remarks made out of order until this conference report is agreed to. [Applause.]

The SPEAKER. The gentleman from Illinois objects.

Mr. MONDELL. Mr. Speaker, there are a number of gentlemen on both sides who want some little time to discuss matters of importance to them and to the country, not in order on this bill, or possibly on the next one we take up. My hope and expectation is that we will be able to take care of these gentlemen and give them a reasonable length of time for these discussions within the next few days.

Mr. BANKHEAD. Do I understand the gentleman from Illinois to object to my request for unanimous consent?

Mr. CANNON. For the reason I spoke of. The gentleman knows I have the highest respect for him, and would not vex him in any way.

Mr. BANKHEAD. It does not vex me at all. I just wanted to know if the gentleman finally objected to the request. If he does, of course I will take my seat.

Mr. CANNON. Is the gentleman from Wyoming going to object?

Mr. MONDELL. I was not going to, although I think we ought to get rid of these conference reports.

Mr. CANNON. So do I.

Mr. MONDELL. When we have done that I hope gentlemen on both sides will be given an opportunity to get their speeches into the Record.

Mr. BANKHEAD. This is not a speech. It is a very short statement which will not take over four minutes.

Mr. LONGWORTH. Does not the gentleman think it might lead to some controversy if the gentleman intends to make an argument? If he merely intends to state certain facts—

Mr. BANKHEAD. I do not expect to make any argument at all.

Mr. LONGWORTH. If it is debatable it might lead to some controversy.

The SPEAKER. Is there objection to the request of the gentleman from Alabama to proceed out of order?

Mr. CANNON. I regretfully object.

The SPEAKER. Objection is made.

Mr. KAHN. Mr. Speaker, of course I expect that when I yield time to any gentleman it is for the purpose of discussing the conference report.

The SPEAKER. The gentleman has the floor.

Mr. KAHN. I yield eight minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker and gentlemen, I believe that every Member of this House is under deep obligations to the splendid, efficient, and faithful work of our conferees on this Army reorganization bill. [Applause.] I did not vote for the bill as it passed the House, and I can not vote for this conference report. It makes too big an Army. The Senate eliminated that bill altogether and substituted a bill that had in it the objectionable feature of conscription of the manhood of this country in time of peace, the further conscription of industrial labor, assigning men to duty, and the further objectionable feature of universal military training. Our conferees forced the Senate to recede from all of those objectionable features. They forced the Senate to recede from the objectionable features touching the National Guard, and substituted a provision that every man on this floor can stand for.

The only reason that I can not vote for this conference report is that I do not approve of so large an Army for peace times, and of some other objectionable features in it. One is the size of the Army, although this conference report brings back to you fewer men than the House bill added. They had 299,000 men in the bill that this House passed, and your conferees have brought back a bill that has 280,000 men, or 19,000 less.

One feature in the bill that I can not support is that of too many officers. That was one feature that was objectionable in the bill that passed this House. It comes back with too many officers. Every Member of this House on either side, Democratic or Republican, who voted for the Army reorganization bill as it passed this House and went over to the Senate is fully justified in voting for this conference report, because in my judgment your conferees have brought back a better bill than you passed in this House. If they had brought back the bill that the Senate passed, I believe that 75 per cent of the Members on this floor who represent the people would have voted against such a report. But the splendid report that your conferees, headed by the distinguished gentleman from California and his Republican associates, Mr. ANTHONY and Mr. MCKENZIE, and our two distinguished brethren on our side, the gentleman from Alabama [Mr. DENT] and the gentleman from Kentucky [Mr. FIELDS], have brought back here, merits, in my judgment, the hearty thanks of all of you. I do not know if our conferees on my side of the House can support this conference bill, because the Army is too large. The great majority of us on this minority side do not believe in this big Army, but this is up to you, and the Congress is about to take a recess or an adjournment. If you propose to have an Army of this size in officers and men, you are justified in supporting this. I will not vote for such a big Army. The Army, as I understand this report, is based to a large extent on the national-defense act of 1916.

I wish we could eliminate this whole bill and substitute in its place the national-defense act of 1916, which was written under the leadership of our able chairman from Virginia, Judge HAYES. It is the best law for a military establishment that this country has ever had.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. QUIN. I am very sorry, but I can not; I have only eight minutes.

But the Senate can not be forced to reach that conclusion, and it seems that the majority of this House can not reach it. We are bound to have an army, and the appropriation bill that passed through this House provided for 175,000 enlisted men and 16,000 officers. That was in accord with the national-de-

fense act. This bill brings back a much larger number of men. But, my friends, the number provided by the national-defense act will probably, in my judgment, be all that they can enlist. The young men of this country will not in peace time go into the Army to as great a number as 280,000.

Mr. BLAND of Indiana. Will the gentleman yield right there for a question?

Mr. QUIN. I can not yield. If 280,000 men in peace time can be raised in this country, then the Appropriation Committee would have to bring out a deficiency bill in order to support such an army as that. But we must go on with the enlisted men as they are up to to-day. The United States Army, through its proper officials, has flaring headlines, great bill posters on the public highways and in the streets of the city offering inducements of every kind to young men to come and join the Regular Army. They tell them that they will be sent abroad and they will see the sights of the world; they will have delightful entertainment—music, dancing, and education, and all that thing, as an inducement for them to come into the Army. But they do not rush into the Army; in my judgment, the Army will be about 175,000 enlisted men, and that will be the standing Army of the United States. It is ample and sufficient to safeguard our interests and take charge in Panama, Nicaragua, the Philippines, and elsewhere. We do not need that many, but the majority in Congress has voted the number, and it will stand, even if we are opposed to it. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, this is the last lap of the peacetime Army reorganization bill. It has been before Congress a long time. It has required much hard work and much care and thoughtfulness. I am glad that the four great questions are settled right. It is a matter of deep concern to our people everywhere. I do not know that a word is due from me, but there have been four salient features of the Army reorganization bill which have worried certain citizens a great deal. The first one was not to allow the peacetime Army to remain too large. That has been well handled. I congratulate the committee on the course they have pursued.

The three remaining features over which the country has been ill at ease are, first, the perpetual conscription feature in times of peace; in other words, as the Senate passed the bill the Executive can at any time declare an emergency, without Congress taking action or passing any law, and draft any man between the ages of 18 and 45. As one who supported the war and voted for every war measure I can not, the Congress should not, and the country did not approve such a provision. I congratulate the House conferees on the good work they have done in eliminating it.

The second provision over which the country has been ill at ease was the compulsory military training feature. The Senate passed a voluntary training feature which was sought to be used as a basis for forcing the conferees to agree to the compulsory military training provision. It was, so to speak, a provision which Congress could easily at some future time twist into a compulsory military training provision, and was very objectionable to our farmers, our laboring men, and to the people generally. In short, the people want no compulsory military training in peace times. They do not want our country Prussianized, and I congratulate the House conferees on refusing to yield to the Senate provision and completely eliminating it from the bill. It means much to the country.

The third provision that was very objectionable to the 35 governors and 35 adjutants general was the Senate provision attempting to federalize the militia. The Senate sought to make the militia the second-line defense for the Regular Army. They sought to strip the 48 States of their power and authority over the militia. The Senate sought to have the Federal Government completely swallow up the militia. I repeat, 35 governors and 35 adjutants general have openly protested against it. The other governors were either passive or noncommittal on the subject, but I am sure they would have been opposed to the proposition had they taken time to study and understand and fully comprehend its far-reaching effect. I congratulate the House conferees for the good work they did in defeating this proposition.

I feel sure the action of the House to-day will be gratifying to the thousands of friends all over the country who have appealed for the elimination of this proposition. I personally have received numerous letters from farmers, who were unable to get a sufficient amount of help on their farms, for the defeat of this proposition. I am sure it will be gratifying to the laboring people of the country and to the American Federation of Labor, who have opposed it all along. I feel sure the committee's course will be gratifying to the 80,000 soldiers in Okla-

homa, who were willing to serve loyally, faithfully, and well during the war, but who do not want any perpetual draft law or compulsory training in times of peace. I feel some little pride in this matter myself, for several months ago I made quite an earnest speech in the House in opposition to these provisions. I protested personally and in writing to the conferees against these features, and I have felt it my duty to congratulate the House conferees, who have served the country in first-class fashion.

The House conferees are entitled to thanks and appreciation. They have rendered yeoman service.

I feel keenly indebted to the gentleman from California [Mr. KAHN], the gentleman from Alabama [Mr. DENT], the gentleman from Kansas [Mr. ANTHONY], and the gentleman from Kentucky [Mr. FIELDS]. I know their load has been heavy. Their task has been well done.

The one criticism I have of this bill, and I do not pretend to say that it is in all things a just criticism, for I do not profess to be an expert, is the question of having 18,000 officers to officer 280,000 men. That would seem to a layman who does not pretend to know all about the situation to be one officer for every fifteen or twenty men. That seems to me too many. I am wondering when this becomes a law if it will not be found that there are too many officers. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the Record.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. WALSH. Reserving the right to object, are they the gentlemen's own remarks that he has made?

Mr. FERRIS. Surely.

The SPEAKER. The Chair hears no objection.

Mr. KAHN. Mr. Speaker, I yield one minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I congratulate the members of the Military Committee, the conferees upon the part of the House, and the country upon the conference report now presented on the Army reorganization bill. I believe it embodies a most excellent military plan and program, one that will receive the indorsement of practically everyone in the country who is familiar with legislation of this character, and in this connection I desire to submit some remarks on the subject of our military policy and program during the late war.

Seventeen months ago the armistice terminating active operations in the war with Germany was signed. While still in the midst of the immediate consequences of that war, it is desirable, however difficult, to appraise the war effort in a broad way and to strike a balance of the costs on the one hand and the results achieved on the other hand. It is of primary importance to determine, first, what the administration did to prepare the Nation for the war after our entrance into it became inevitable, and, second, the extent to which its conduct of the war was vigorous, effective, and economical.

The success of our democracy depends upon the opportunity furnished the people to review the policy and accomplishment of its political leaders; it depends, too, upon their ability fairly to judge of the success with which the Nation's welfare and interests are protected. This furnished the compelling motive for inquiring into the administration's military policy, program, and effort since 1914.

There are those who in a spirit of partisanship say, "Well, we won the war; why bother about its mistakes or blunders?" The fact that the war represents the most significant event and undertaking in the life of this Nation since the Civil War is sufficient answer to this.

COMPARISON OF WAR COSTS.

The total direct cost of our participation in the war with Germany up to June 30, 1919, is conservatively estimated at \$30,000,000,000, including loans to our allies. This is, roughly, \$2,000,000,000 in excess of the total war cost of France up to that date; it is approximately two-thirds of the total war cost of Great Britain.

On this basis the average monthly expenditure of the United States was approximately three times as great as that of France and almost twice as great as that of Great Britain.

The following table shows the average monthly expenditure of the United States and our two leading allies, the average monthly expenditure being based upon the months of active operation. The direct cost of the war was computed on the following basis: From the expenditures—disbursements—of each nation for the war period and for the seven months immediately following the armistice were deducted the normal expenditures for the period of the war. The result was considered the direct cost of the war.

Country.	Period at war.	Months of active operation.	Total war cost to June 30, 1919.	Average monthly expenditure.
France.....	4 yrs. 3 mos.....	51	\$28,249,487,446	\$553,911,518
Great Britain.....	do.....	51	44,888,959,950	880,175,685
United States.....	1 yr. 7 mos.....	19	30,013,457,345	1,579,655,649

Included in the foregoing amounts are the loans made by each nation to her allies, which up to June 30, 1919, were as follows:

United States (the loans of the United States to allies have been increased since June 30, 1919, to March 31, 1920, by the sum of \$387,720,914, making a total of \$9,877,726,844).....	\$9,490,005,930
Great Britain.....	\$8,695,000,000
France.....	1,547,200,000

The maximum troop enrollment of France and Great Britain was almost twice as great as that of the United States; the average troop enrollment for the entire period of active operations is estimated at from two to three times as great as the United States. On this basis the per soldier day expenditure for France would approximate six times the per soldier day costs of the United States; the per soldier day costs of Great Britain would approximate from four to five times the per soldier day costs of the United States.

The extent to which the United States and her leading allies financed the war from current tax revenue is particularly illuminating. It appears, for example, that France relied entirely upon loans; that Great Britain and the United States, in addition to the normal expenses of Government, paid from 20 to 25 per cent of the war costs, computed above, from current revenue.

The following table shows the amounts over and above the normal revenue for the period of active operations, the amounts raised by the United States, Great Britain, and France for the purposes of the war:

Country.	Raised by current taxes.	Percentage of war cost paid by current taxation.
United States.....	\$7,250,000,000	25
France.....	1,000,000,000	3
Great Britain.....	9,000,000,000	20

THE ACCOMPLISHMENT OF THE UNITED STATES—THE BALANCE OF MAN POWER.

Three months after our entrance into the war the Pershing expedition to France, comprising a mere handful of men, was organized. It was almost a year later that our allies, facing a critical situation because of the numerical superiority of the German forces being mobilized on the western front, appealed to us for help. The joint effort of the United States and Great Britain to transport our troops in large numbers immediately followed. When the armistice was signed we had approximately 2,000,000 men in France.

Thirteen months of the war period had elapsed before the American troops participated in a real sense in the operations on the western front. On April 28, 1918, they first took over a sector near Montdidier; the first major operation of these troops took place a month later at Cantigny.

The initiative, resourcefulness, and energy of the combat troops of the American Army on the western front furnished in the last five months of the war the balance of man power that brought about the defeat of Germany. This is recognized to-day. The performance and morale of those troops reflected the complete cooperation of the American people in the prosecution of the war—their willingness to make the sacrifice. The Nation, indeed, rose magnificently to the emergency. But these facts alone do not furnish the appraisal.

The success or failure of the administration's military policy and conduct depend upon the specific steps taken to prepare the Nation for the event of war and upon the machinery and methods which it developed to utilize the cooperation which the American people gave in such full measure to the war.

Were our troops adequately equipped? Was production of war equipment and munitions rapidly and effectively developed by the administration? Were the \$30,000,000,000 expended by the Government for purely war purposes efficiently expended? Where did the dollar go?

In answering these questions we find that the record of the administration is not one of accomplishment. It is one of humiliating failure.

APPRAISAL OF RESULTS REFLECTS ADMINISTRATION'S FAILURE.

Viewed in these terms, the administration's military policy and program before and during the conduct of the war was a gigantic failure. Executive leadership was lacking. Slow to interpret the obvious significance of the European war, the President was even slower to act when our national peril was forced upon us. He refused to take competent counsel or to be guided by it. The President's indecision and his slowness to formulate any policy during the two years before our entrance into the war explains why on April 6, 1917, we were as unprepared for positive or effective action as we were at the time the *Lusitania* went down. The President's indecision and slowness to formulate a policy continued after April 6, 1917; he remained throughout the conduct of the war stubbornly hostile to the development of a comprehensive organization which could visualize war needs and get results. The entire war was fought with handicaps of organization which seem incredible to the competent critic.

The outstanding characteristic of our whole war effort: Delayed production and mismanagement.

Billions were appropriated for production of war material. A negligible result, in the light of all conditions, was obtained. Billions were wasted.

A multiplicity of boards and emergency departments were developed, on the initiative of the President and pursuant to the war powers given him. Their duties overlapped, their jurisdiction was oftentimes uncertain; coordinated direction was lacking. The war powers conferred upon the President contemplated centralization of authority. He deliberately disbursed it through a hierarchy of war and emergency organizations, each in large degree unable effectively to act.

The causes of waste and inefficiency may be summed up briefly as follows:

a. The inability of the President to visualize the war problem; his unwillingness to bring into the administration capable administrators under a properly coordinated war plan.

b. Lack of competent direction of the War Department and its activities; events proved that inefficient heads were placed in charge of important war-making bureaus and activities, such as Ordnance and Quartermaster.

c. Inefficient organization for war-making purposes.

The investigation during the last 15 months of the inside workings of the War Department and the policy of the administration lead us inevitably to these conclusions. Admitting that war is wasteful, it is obvious that the waste in the war with Germany was many times multiplied by the conditions for which the administration was responsible. I am confident that a sane and economical administrative policy during the war, coupled with adequate measures of preparedness before our entrance into the war, would have saved the American people at least \$10,000,000,000 from the total expenditure of thirty billions; and, what is more important, it would have secured for us a greater result in terms of production.

RESPONSIBILITY FOR PREPAREDNESS PROGRAM.

The President of the United States is the constitutional head of the Government. Foreign relations are completely subject to his initiative and leadership. Congress and the people must await that leadership. The President in a time of international difficulty has the facts; he must interpret them, advise with Congress, and give leadership to the country.

President Wilson knew that this country would become a party to the war. He knew the moral sense of this people, their sense of moral obligation. As a student of history he knew that the conditions threatened war for this country. This is not mere assertion nor guesswork. He has himself admitted it. In reply to Senator McCUMBER's questions at the meeting with the Senate committee, August 19, 1919, he said:

Our moral conviction of the unrighteousness of the German war would, I hoped eventually as the thing developed, have brought us into this war if Germany had not committed any acts against us.

If Germany had committed no act of war or no act of injustice against our citizens, I think we would have gotten into the war.

March 3, 1916, the Associated Press Washington dispatches said:

Congressmen who have visited the President to discuss the armed-ship issue have told their legislative associates that the President said that if another merchant ship was sunk without warning and American lives were lost he would dismiss the German ambassador and the Austrian chargé d'affaires, recall Ambassadors Gerard and Penfield, and prepare for emergencies. "What would be the next step," the President was asked by some of the congressional leaders, "the step following the break in diplomatic relations?" The President's response to this was that it had been represented to him that it might lead to war.

These two statements show beyond question that President Wilson actually not only "hoped and thought" this country would enter the war, but that he knew this was inevitable. He recognized the moral obligation resting upon this Government and people to enter the war regardless of Germany's acts against

us, and in that same White House conference he states that a moral obligation was much stronger than any legal obligation.

THE PRESIDENT'S SLOWNESS TO FORMULATE A POLICY.

Nothing reveals an early intention of the President to bring the American people into military sympathy with the view which he entertained or a sincere effort on his part to prepare the country for the emergency when it arose.

On August 18, 1914, in an address to the American people, President Wilson said:

The effect of this war upon the United States will depend upon what American citizens say or do. * * * The United States must be neutral in fact as well as in name. * * * We must be impartial in thought as well as in action, must put a curb on our sentiments. * * * My thought is America * * * a Nation that never sits in judgment upon others nor is disturbed in her own councils.

It was Theodore Roosevelt who, in comment, used the phrase—

Shivering apostles of the gospel of national abjectness.

It was Roosevelt, too, who said:

Wilson has met a policy of blood and iron with a policy of milk and water. Indecision and the treatment of conversation as a substitute for action and above all the making of threats which are not carried into action put a premium on exactly the form of anarchy and conspiracy of which the press complains.

Belgium appealed in her agony and he denied her. In his message to Congress four months after Germany had made a scrap of paper of the Belgian treaty, he referred to the war as—a war with which we have nothing to do, whose causes can not touch us, whose very existence affords us opportunities of friendship and disinterested service which should make us ashamed of any thought of hostility or fearful preparations for trouble.

Then followed that speaking campaign during 1915 and 1916 to dull that moral sense which he says he hoped and thought would compel us to enter the war:

The example of America must be the example of peace, not merely because it will not fight, but of peace because peace is the healing and the elevating influence of the world and strife is not. There is such a thing as a man being too proud to fight.

With the war's causes and its objects we are not concerned. The obscure fountains from which its stupendous flood has burst forth we are not interested to search for nor explore.

There are actually men in America who are preaching war, who are preaching the duty of the United States to do what it never would before, seek entanglements in the controversies which have arisen on the other side of the water—abandon its habitual and traditional policy and deliberately engage in the conflict which is now engulfing the rest of the world.

These utterances reflect the leadership of the President during the period that Germany had been making war against this country. In 1915 the *Falaba*, *Gulftlight*, *Lusitania*, *Arabic*, and *Persia* were torpedoed. On March 24, 1916, the *Sussex*, a British channel passenger boat, was sunk without warning and several Americans injured. October 9 five vessels, one a Dutch neutral, were sunk close to our eastern coast. February 4, 1917, 7 American ships were sunk and 13 American lives lost, while other Americans perished on ships of other nations that were sunk.

THE ADMINISTRATION'S PLEA FOR INDORSEMENT IN THE POLITICAL CAMPAIGN OF 1916.

The administration asked for an indorsement of its record and its continuance in political power because it had "kept us out of war." In a preelection speech at Shadow Lawn the President directly pointed to the danger of war which Republican success pointed to. He said:

The certain prospect of the success of the Republican Party is that we shall be drawn, in one form or another, into the embroilments of the European war.

INDEPENDENT LEADERSHIP POINTED THE WAY.

During the two years from 1914 to 1916 a vigorous public opinion was being developed under the strong leadership of Theodore Roosevelt, which insisted that the Nation define a policy consistent with its honor and take adequate steps of preparedness to resist the aggression to which the Nation was being subjected.

Theodore Roosevelt, the outstanding leader of this movement, advocated only "that our preparedness take such shape as to fit us to resist aggression, not to encourage us in aggression."

The growth of this demand began to drag President Wilson along with it. He repeatedly indorsed Secretary Garrison's plan to build up a real national army with adequate reserves. But when the actual test came he rejected this for the plan of Congressman Hay, a pacifist, opposed to any army and whose program was a mere excuse. Mr. Garrison and his assistant resigned in disgust. Mr. Wilson had the ardent support of leading Democrats in an attitude of abject servility. He, however, continued to feel the strength of the undercurrent of popular sentiment. He felt the effect of the Roosevelt counterleadership. Late in 1916 and early in 1917 he put another tint in his coat of many colors. He took the appearance of being forced or dragged against his will into war. Like his indorsement of the Garrison plan, it was but an appearance. He said:

I would not condescend to appeal to your passions. I would be ashamed of myself if I tried to do anything to quiet your judgments. I do not wish you to be any more excited than I am. I am too solemn to be excited. I do not draw a passionate breath for fear I might disturb the nice equipoise of the peace of this part of the world.

SELECTION OF PACIFIST AS SECRETARY OF WAR.

It was on March 22, 1916, that Newton D. Baker was nominated by the President to be Secretary of War. Mr. Baker described himself and his fitness for office at that critical time as follows:

You may classify me as a professional pacifist. I belong to every peace society that I know of, and it is my contention we ought to substitute reason for force.

It was into such hands the President committed war preparedness and later war operations. Mr. Wilson either leaned to the pacifists or was a victim of pacifism. Roosevelt stated in March that "the American pacifist, the professional pacifist, has been the tool and subordinate ally" of our enemies.

THE NATION WAS UNPREPARED FOR WAR.

Discussion is unnecessary in view of the accumulation of evidence with which the country is acquainted to indicate that the Nation was wholly unprepared for the war which it declared April 6, 1917. Our Regular Army numbered but 85,000, with but 46,000 mobile troops. Our National Guard numbered 120,000; of this number, however, only 48,000 had qualified even as third-class riflemen.

Rear Admiral Fisk was forced to resign because he had testified as to the unpreparedness of the Navy, especially in all branches of the science of gunnery. Secretary Daniels reprimanded Commander Sterling for calling attention to the neglected condition of the submarine flotilla. Admiral Fletcher stated that the Atlantic Fleet was short 5,219 seamen and 330 officers. As Congressman Gardner showed, of the 50 vessels Secretary Daniels said had been added to the Navy, but 2 were new battleships—authorized in the Taft administration—and the rest were obsolete vessels taken from anchorage and undermanned.

In the summer of 1915 Gen. Leonard Wood opened the first Plattsburg camp for training civilians to become officers in the Army if needed. This did not have the President's verbal encouragement, nor the War Department's approval. It was not until after the camps of 1916 that the Democratic Congress appropriated funds to pay the expenses of these thousands of men who for love of the flag and loyalty to the country left their businesses to undergo the strict discipline and severe training of the camps. Even then this appropriation was forced by Republicans. Yet all officers of our Army testify that it would have been absolutely impossible to have officered the National Army in the training camps in France but for the Plattsburg system and the many thousands trained in these volunteer camps.

We then had in all but 11 airplanes and 2 machines in construction. The program was for but 50 machines to form four squadrons. When the war began Germany had 600 planes and 20 dirigibles, France had 1,200 planes and 15 dirigibles, Great Britain had 350 planes and 10 dirigibles, Russia had 300 planes.

FAILURE TO DEVELOP EFFICIENT ORGANIZATION FOR WAR PURPOSES.

The United States was the only "first-class power" in the war on either side—absolutely the only one—where the party in control made it a party war; the President refused to make use of the ability of the opposition party; he refused coalition; he made the war partisan and political and boasted that it was a Democratic war, while demanding of the Republicans complete subservience to all their demands on the grounds of patriotic duty.

In 1915, nine months after England entered the war, a British coalition cabinet was formed with almost equal numbers of Liberals and Unionists, and with Laborites included. The ablest of the opposition were called into council. Men who were bitter and unrelenting political enemies came together, consulted, cooperated, advised, and worked together in complete harmony for the common cause—for Great Britain, their country. "If Britain lives, who can die?" was the faith that bound them together.

But in Great Britain not only did they soon make it a British war, they made it a business war. By September the British found their cabinet too cumbersome for war control. A special war committee of its members was named. One man was named in February, 1916, to coordinate the army and navy air service and an independent air force was organized. Finally, when Lloyd-George succeeded Asquith, he at once organized the war council of five to take complete control of war operations and every phase of war service. This is practically what Senator CHAMBERLAIN and the Senate Committee—Democratic—on Military Affairs proposed in January, 1918, but what President Wilson opposed as an interference with his conduct of

our war affairs. France followed the British plan and program step by step, and Italy and Russia closely coordinated with them.

THE ADMINISTRATION INVESTED WITH AMPLE POWER.

The Overman Act, passed May 20, 1918, was intended to enable the administration to profit by the British and French experience and develop effective coordination and central leadership of war activities. He demanded that act as a vote of confidence in his leadership. Although invested with such powers, the President failed to exercise them. Instead of developing a centralized system of control, in organizing on the war basis, 19 new boards, commissions, and agencies of a primary nature were created outside of the regular departments, the total expenditure of which during the fiscal year 1919 amounted to \$2,723,526,540. The President under his war powers deliberately developed the type of organization which was suicidal from the viewpoint of results. He developed two cabinets—one devoted to peace-time functions, the other devoted to the conduct of the war. The organization, as it functioned during the stress of the war, was inherently wasteful because of the resulting confusion, overlapping, and conflicts of jurisdiction.

THE COUNCIL OF NATIONAL DEFENSE.

The Council of National Defense was one of the war agencies which the President developed. This act, passed in 1916, looked toward preparedness. It gave the President power to name six of his Cabinet as a Council of National Defense, and under it an advisory committee of seven. Under the advisory committee were "subordinate bodies for its assistance in special investigation," whose members should be experts to serve without pay, but use a fund to hire experts for technical work. The working rules and regulations of this council were subject to the approval of the President.

The Council of National Defense was regarded by the President as one of the vital war agencies. It was so constituted as to defeat its very purpose. Ninety-five subcommittees were constituted as a part of the council organization consisting of 688 members.

Inevitably their duties overlapped, crossed, recrossed, and duplicated. They had no authority and no responsibility; neither had the advisory committee nor, indeed, the council itself. The result, of course, was chaos. Hundreds of fine Americans accepted these voluntary tasks. They were glad to have a chance to serve their country for nothing. They hoped to accomplish great things with American efficiency, and big, splendid, able men actually wept at the mesh thrown around them, as they found themselves working or trying to work in veritable barbed-wire entanglements.

LACK OF EQUIPMENT FOR THE TRAINING OF MEN.

There was a lamentable weakness at the outbreak of the war in respect to equipment necessary for the training of men.

The recommendations of those in command of ordnance indicated a total lack of comprehension of the needs. Gen. Crozier stated that the capacity of all the arsenals was but

1,500 rifles a day. Men were trained in the camps without rifles; there were machine-gun companies that never saw a machine gun; artillery contingents who never fired a field-piece, and none of them ever saw a heavy howitzer, a large field rifle, motor artillery, or even antiaircraft guns and trench mortars until they reached France.

FAILURE TO GET PRODUCTION UNDER WAY.

The character of the organization developed for war purposes was ineffective. There were five purchasing divisions, each directed by a major general, under whom worked a brigadier general. Each officer was accountable to the superior war council, the War Industries Board, and the General Staff, and they in turn to the Secretary of War. Investigations confirm what was generally observed during the prosecution of the war—that the administration's lack of coordination of the multiplicity of war agencies and activities had resulted in lamentable delays and mistakes of administration. Walter S. Gifford, of the Council of National Defense, testified 10 months after our entrance into the war that "if the Government during the next 18 months is not better prepared to use its vast resources than it is now, we are going to fall down in winning the war." In this he agreed with Daniel Willard, chairman of the War Industries Board, and Baruch, who both favored a department of munitions, which the President regarded as a reflection on his conduct of his war. "The War Department," Mr. Gifford said, "needs one policy, one program, one head of its vast purchasing work."

Gen. Pershing in his report says his first act in France was to organize a general staff. As none had "hitherto existed in our Army," he had to take the French and British staffs as models. He had to establish great training camps for our men as they arrived, that they might be fitted for modern warfare with modern weapons. Large quantities of uniforms were ordered from England. France furnished them artillery, airplanes—not enough of either—and some tanks. American pursuit or fighting airplanes never reached the front. The first squadron, equipped with 12 American observation planes, was organized August 7, 1918, just 16 months after we entered the war, and these the aviators nicknamed the "flaming coffins." Many a splendid American flyer met a needless death. The sum of \$1,050,000,000 was actually expended in airplane production in this country for this result. Toward the close of the war, according to Pershing, only 109 American-made 75's—a weapon much inferior to the French model—had been received, none in time to be used, and not a single gun of larger caliber.

We refused to make the French gun—the famous "75."

The following table presents the actual production of artillery in terms of the principal items of artillery equipment which was completed on or before November 11, 1918, and the amount which under revised plans of the War Department was completed after the armistice. This analysis shows that but 0.45 per cent of the United States' production in terms of cost was actually used in combat:

Principal items in the Artillery program from April 6, 1917, to June 30, 1919.
[Not including expenditures for increased facilities or settlement of claims.]

Items.	Accepted or to be accepted.	To Nov. 11, 1918.		To Nov. 14, 1918, delivered by foreign Governments.	Unit cost.	Total cost.	Cost of United States production completed prior to Nov. 11, 1918.	Cost of United States production used in combat.	Cost of material to be completed after Nov. 11, 1918.
		Completed in United States.	Floated to A. E. F.						
37 m/m guns (Infantry).....	841	826	122	.....	\$1,794	\$3,302,754	\$1,481,844	.....	\$1,820,910
37 m/m guns (tank).....	300	50	.....	.....	1,200	1,560,000	60,000	.....	1,500,000
3-inch A. A. guns (1918).....	169	88	.....	.....	3,725	629,525	327,800	.....	301,725
3-inch A. A. mounts (trailers, 1917).....	120	1	.....	.....	10,000	1,200,000	10,000	.....	1,190,000
75 m/m A. A. guns (1916).....	51	41	26	.....	3,850	196,350	196,350	.....	.....
75 m/m A. A. truck mounts.....	123	44	26	72	10,000	1,230,000	440,000	\$390,000	70,000
75 m/m guns (1916).....	810	695	31	.....	3,850	3,118,500	2,675,750	.....	442,750
75 m/m gun carriage (1916).....	363	206	26	.....	5,500	1,996,500	1,133,000	.....	863,500
75 m/m gun (Br. 1917).....	909	724	124	.....	3,850	3,499,650	2,787,400	.....	712,250
75 m/m gun carriage (1917).....	921	724	124	.....	5,500	5,065,500	3,982,000	.....	1,083,500
75 m/m gun (Fr. 1897).....	3,904	74	.....	1,910	3,800	14,835,200	281,200	.....	7,297,920
75 m/m gun carriage (1897).....	4,154	291	.....	1,910	5,500	22,847,000	1,600,500	.....	10,741,500
75 m/m gun recuperator (1897).....	3,723	1	.....	1,910	3,255	12,118,365	3,255	.....	5,598,060
75 m/m gun carriage limbers (1916).....	5,194	4,434	980	.....	1,075	5,583,550	4,765,550	.....	817,000
75 m/m gun caissons (1918).....	19,132	11,954	4,448	.....	1,400	26,781,800	16,735,600	.....	10,049,200
75 m/m gun limbers (1918).....	22,591	17,702	4,048	.....	1,100	24,850,100	19,472,200	.....	5,377,900
75 m/m store wagon (1917).....	1,057	495	109	.....	1,702	1,799,014	812,490	.....	956,524
75 m/m store limbers.....	1,925	1,701	109	.....	925	1,780,625	1,573,425	.....	207,200
75 m/m battery wagons.....	1,323	615	144	.....	1,478	1,955,394	908,970	.....	1,046,424
75 m/m forge limbers.....	2,475	1,926	144	.....	1,000	2,475,000	1,926,000	.....	549,000
75 m/m battery reels.....	1,300	964	456	.....	635	825,500	612,140	.....	213,360
4.7-inch guns (1906).....	1,420	91	264	.....	5,200	12,184,000	1,473,200	.....	1,710,800
4.7-inch gun carriages (1906).....	1,462	247	264	.....	10,930	15,049,660	12,699,710	.....	2,349,950
4.7-inch gun carriage limbers (1905).....	1,963	406	264	.....	2,135	12,056,005	1,866,810	.....	1,189,195
4.7-inch caissons.....	11,256	261	264	.....	1,838	12,308,528	1,479,718	.....	1,828,810
155 m/m guns (1916).....	993	71	16	233	13,000	12,900,000	923,000	.....	8,977,000

¹ Does not include 66 guns, 62 carriages, 110 limbers, and 112 caissons on hand prior to Apr. 6, 1917.

² See Note 1. It is assumed that the complete units floated were on hand prior to Apr. 6, 1917.

³ Estimated.

Principal items in the Artillery program from April 6, 1917, to June 30, 1919—Continued.
[Not including expenditures for increased facilities or settlement of claims.]

Items.	Accepted or to be accepted.	To Nov. 11, 1918.		To Nov. 14, 1918, delivered by foreign Governments.	Unit cost.	Total cost.	Cost of United States production completed prior to Nov. 11, 1918.	Cost of United States production used in combat.	Cost of material to be completed after Nov. 11, 1918.
		Completed in United States.	Floated to A. E. F.						
155 m/m gun carriages.....	1,231	368	16	233	\$18,000	\$22,158,000	\$5,624,000		\$7,794,000
155 m/m gun recuperators.....	1,372	1		233	5,635	7,731,220	5,635		6,412,630
155 m/m gun-carriage limbers.....	1,231	1		233	1,800	2,215,800	668,000		1,130,400
155 m/m howitzer.....	3,285	1,172	2	796	5,400	17,739,000	6,328,800		7,111,800
155 m/m howitzer carriages.....	2,294	144		796	8,000	18,352,000	1,152,000		10,856,000
155 m/m howitzer recuperators.....	3,097	854		796	13,788	11,731,436	3,234,952		5,481,236
155 m/m gun carriage limbers.....	2,189	207		796	1,500	3,283,500	310,500		1,779,000
155 m/m howitzer caissons.....	9,856	4,373	552		2,600	25,625,600	11,363,800		14,255,800
8-inch howitzers and carriages.....	517	173	96	124	54,000	27,918,000	9,342,000	\$1,296,000	11,880,000
9.2-inch howitzers and carriages.....	45			44	68,000	3,090,000			68,000
240 m/m howitzer.....	400	1			10,000	4,000,000	10,000		3,990,000
240 m/m howitzer carriages.....	320				70,000	22,400,000	70,000		22,330,000
240 m/m howitzer recuperators.....	427				14,655	6,257,685	14,655		6,243,030
5-inch seacoast guns and mounts.....	228	28	26		31,100	8,780,800	870,800		
6-inch seacoast guns and mounts.....	277	77	74		13,500	3,637,500	1,039,500		
6-inch Navy guns.....	279	52	74		25,000	2,300,000	2,300,000		
6-inch Navy gun carriages.....	2				5,000	140,000	5,000		135,000
7-inch Navy guns and carriages.....	12	12			17,500	35,000			35,000
8-inch S. C. guns (modified).....	62	58	6		20,000	240,000	240,000		
8-inch Barbette carriage.....	47	19	3		12,500	725,000	725,000		50,000
8-inch Navy gun (modified).....	14				25,000	1,175,000	475,000		700,000
305 m/m railway mounts fabricated parts (sets).....	36	16	4		4,100	57,400			57,400
Additional fabricated parts (sets).....	36	8	4		38,000	1,368,000	608,000		760,000
12-inch railway carriage (1918).....	12				10,000	380,000	80,000		290,000
12-inch mortar carriages (1918).....	91	1			150,000	1,800,000			1,800,000
12-inch Chilean guns (caliber .50).....	6	1			66,495	6,051,000	66,495		5,984,505
12-inch and 14-inch sliding railway mounts.....	3	1			240,000	1,440,000	240,000		1,200,000
12-inch howitzer (caliber .20).....	1				207,000	621,000	207,000		414,000
12-inch howitzer mounts.....	1				174,381	174,381			174,381
12-inch Barbette carriage.....	32	20			106,000	106,000			106,000
14-inch Navy guns.....	48	6	3		100,000	3,200,000	2,000,000		1,200,000
Total.....					128,958	6,190,080	773,748		5,416,332
Percentage of total cost (per cent).....						362,575,922	116,016,797	1,686,000	184,818,992
						100	32	0.46	50.97

¹ Estimated.

² Guns were on hand Apr. 6, 1917, but required modification and mounts.

³ 51 guns on hand Apr. 6, 1917. Not included in cost.

⁴ 62 guns on hand but required modification.

The lack of effective production of airplane and artillery equipment during the 19 months before the armistice was typical of all departments of Army production.

Hundreds of thousands of shells were made in this country only to find there was no gas with which to charge them. Gas was then made, but there were no detonators to explode this when in the shell. Up to the end of the war we never produced shells, gas, and detonators coordinately, and so furnished no gas shells at all.

ATTITUDE OF THE REPUBLICAN PARTY: UNSTINTED SUPPORT OF THE WAR DICTATOR.

The Republicans in Congress and out submitted. They rose above partisanship. They turned Democrats for the time, and unquestioningly, unhesitatingly, without question or quibble, supported the President and his party. They were ignored in their country's councils; even war services were refused by the President because of political differences. But the Republicans voted to President Wilson greater powers and authority than were given any other ruler or head of a Government in any country with even a pretense of self-government. They voted him greater war funds than were given by any other Government.

From the day of the war message to the close of war operations President Wilson did not ask a credit, a tax, an increase of power or authority, or any single thing which he claimed would aid in waging the war to a successful end that was not granted.

From that day of our entrance into the war Republicans in and out of Congress forgot partnership. He was given, besides his control of the Army and Navy as Commander in Chief, the control of all industry, the right to commandeer, and, if he chose, operate industrial plants and mines, the control of railroads and ocean transportation and of telegraph and cable communications, of all commerce, of all raw materials, of the press, the power and authority to fix prices, to regulate the people's food supply, and to regulate finance.

The President was made the country's dictator. It was wholly within his power to have made any war organization, any war machine he chose, having, at his request added the right to reorganize and change to suit himself all the administrative bureaus, commissions, and agencies of the Government departments.

Immediately after this country entered the war the British and French sent commissions to Washington. They included

the most skilled and experienced experts of both countries in every factor and every feature of the war machine. They included men who knew every detail of the experience and process of reorganization through which the Allies had gone in reaching that perfectly working organization and system for unifying and making effective the full force of their material strength and resources—man power, industry, science, invention, and finance.

These men were ready to give this Government the advantage of all they had learned and knew. They had been instructed to withhold or deny nothing. There were to be no secrets. Everything France and Great Britain had developed was to be placed at our disposal. This was done not only as to matters of organization to effect results most directly and completely, with least cost, waste, and friction, to economize funds, time, and effort, but it included every engine of war, every discovery, every factor in science and invention that had been made available for their own war uses.

The United States was not to go through the agonies, delays, and losses France and Great Britain had had if open-hearted, open-minded, complete trust and confidence could prevent it.

Refusal of all this seemed beyond imagination. Yet it was refused. Not one single item was accepted. Nothing was taken. President Wilson, who alone could act, who alone could accept, refused to come from the clouds to the hard earth of practicability.

THE ADMINISTRATION'S FAILURE AS SEEN BY A DEMOCRAT.

Senator CHAMBERLAIN, Democrat, fresh from listening for days to the testimony of Secretary Baker, most of which was contradicted by known conditions; having listened for a month to other testimony disclosing many features of stupid incompetence, or worse, made an address in New York. In anguish of spirit, almost in despair, he bluntly, realizing the hopelessness of the administration's self-satisfied, complacent inability to cope with so great a problem, told the bald truth. He said:

The Military Establishment of America has fallen down. There is no use of being optimistic about a thing that does not exist. It has almost stopped functioning. Why? Because of inefficiency in every bureau and in every department of the United States. We are trying to work it out. I speak not as a Democrat but as a citizen of the United States.

Later, Senator CHAMBERLAIN said in the Senate:

Great Britain has found such conditions existing and has corrected them. France, Italy, and Germany have done it. America ought to do it.

But America did not do it, because the President, retiring to that Tower of Babel of his own creation, stood helpless and bewildered by the myriad tongues of his frantic executives.

THE END OF THE WAR.

The war was being won on the western front and the German forces were near rout when that final series of remarkable notes between the President of the United States and the German Government led to the armistice. It was the abrupt conclusion of the war—and the new problems of peace—which terminated the analysis and scrutiny to which the administrative mistakes and blunders of the administration's military policy was then being subjected—mistakes which would have proved costly in human lives as they proved costly in dollars and cents had the balance of effective man power not been mobilized on the western front.

During the 16 months following the armistice the characteristic lack of planning evidenced through the prosecution of the war has continued. The administration's utter failure to develop a reconstruction and retrenchment program is the natural sequel of what happened during the war.

The Republican Congress has endeavored to cooperate with the administrative departments in the carrying out of a reconstructive and retrenchment program, but, notwithstanding the desire and effort of certain officers of the Military Establishment to aid in the development of such a program, the administrative departments in the main, through indifference or disinclination, have blocked the way.

Congress has not been disposed to be parsimonious, but rather to be liberal, in its military program, but Congress has desired economy and efficiency. Under present administrative control it seems to be impossible to secure either, with the result that the country is paying much more than it ought to for its defense establishments.

FAILURE TO SALVAGE AND FIX A PLAN AND PROGRAM.

Only after the most persistent agitation in Congress was the War Department prevailed upon, or rather compelled, to undertake a sale and distribution of its surplus supplies, particularly foodstuffs, and notwithstanding the fact that 17 months have passed since the signing of the armistice the department is still holding stores which ought to be disposed of. The department seems to have deliberately entered upon the pursuit of a policy of waste and extravagance in the handling of its automobiles. It seems to have had a fixed purpose not to sell a new machine, but to use machines long enough to make them secondhand, and then reluctantly dispose of them. Notwithstanding the continued efforts of Congress, the department has quite successfully blocked the way to a general distribution among the States where needed of trucks, tractors, and road material. Up to date the department does not know its own mind as to what should be permanently retained in the way of camps, cantonments, material, or facilities. Certain abandoned posts which the department has heretofore tried to get rid of it now clings to tenaciously, though they are badly needed by the Public Health Service to furnish hospital facilities and accommodations for disabled soldiers of the late war. And so it goes through the whole gamut of activities, or, rather, lack of activities, of the service. But what can one expect?—the condition in our defense establishments, with all their facilities and all their wealth of splendid personnel, but reflects the character of their administrative heads.

Mr. KAHN. Mr. Speaker, I yield two minutes to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I wish to take this opportunity to express my appreciation of the work that the conferees of the House have accomplished. I believe they are entitled to our congratulations. The administration asked Congress for an Army of 576,000 enlisted men and 23,000 officers. The administration also asked for a system of universal compulsory military training. The Army that was asked for by the administration, figuring at the rate of \$2,000 per man, which is conservative, would have cost this Government \$1,152,000,000 annually, plus whatever it would have cost to carry out the scheme of universal military training, which has been variously estimated to be a billion dollars, more or less.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. I decline to yield, as I have but two minutes. The committee has brought to us a bill which provides for 280,000 enlisted men and 17,800 officers, minus any scheme for compulsory universal military training. The cost of such an army will be about \$560,000,000 a year, which is an annual saving over the amount that would have been required to support the army asked for by the administration of \$592,000,000 a year. The elimination of the compulsory universal military training from the bill saves another billion

dollars. Again I repeat that the Congress is to be congratulated on the passage of an Army reorganization bill that will save \$1,592,000,000 to the taxpayers of the Nation under the amount that would have been necessary to carry out the recommendation of the President and the Secretary of War.

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. DENT].

Mr. DENT. Mr. Speaker, I did not subscribe, as the statement that the gentleman from Kentucky [Mr. FIELDS] and I signed shows, to some of the features of the bill as it passed the House and as it passed the Senate. I was opposed to the idea of the composition of the Army, and I made my views clear when the bill was pending before the House. I thought that the number of officers in the Army was entirely too large, and I still think so. One officer for practically every 15½ men in the Army seems to me entirely too much. I thought when the bill passed the House that the higher ranking officers were too many in number. Those matters, however, were settled by the House and they were settled by the Senate; and in the conference I wish to say that the House conferees, after six weeks of work, have accomplished all that could possibly be expected of them. For that reason I signed the report. We struck out of the Senate bill practically all of the features that were objectionable to the House. We have taken care of the National Guard. We have taken care of the Chief of the Militia Bureau in a way which I think will be entirely satisfactory. We struck out the provision continuing the draft act whenever a national emergency may exist. On the whole, I think the conferees have worked out a wonderfully fine compromise proposition, and so far as I am concerned, although I think the Army is perhaps a little too large and I know the number of officers is too great, I would be willing to accept the conference report, reserving the right, of course, to vote in accord with my previous record. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SWOPE].

Mr. SWOPE. Mr. Speaker, to my mind one of the greatest features of this bill is the reform of the court-martial system of our Army. The system we have been laboring under is simply a survival of one of the most unjust practices that has ever masqueraded under the name of justice. This is a reform I have been advocating and working for a long time, and I am now glad to see it incorporated in the Army reorganization bill and am glad to vote for it. One of the features I refer to is found on page 42 of the conference report, and I wish you gentlemen would notice it with me. I refer to article 40, relative to courts-martial, which provides as follows:

ART. 40. As to number: No person shall, without his consent, be tried a second time for the same offense; but no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the reviewing and, if there be one, the confirming authority shall have taken final action upon the case.

No authority shall return a record of trial to any court-martial for reconsideration of—

- (a) An acquittal; or
 - (b) A finding of not guilty of any specification; or
 - (c) A finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of war; or
 - (d) The sentence originally imposed, with a view to increasing its severity, unless such sentence is less than the mandatory sentence fixed by law for the offense or offenses upon which a conviction has been had.
- And no court-martial, in any proceedings on revision, shall reconsider its finding or sentence in any particular in which a return of the record of trial for such reconsideration is hereinbefore prohibited.

That is a great article, and will prevent many acts of injustice. You notice in subsection (a) of the above article that in the case of an acquittal no authority shall return a record of trial to any court-martial for reconsideration. Under our present unjust court-martial procedure if a man is acquitted on his trial the reviewing authority can refer the case back to the court for reconsideration. Think of it! Where in our broad land is there a court with such despotic authority? If our civil courts, which are well versed in law, have not that authority, why should some Army general or reviewing authority have the right to say to a court-martial that it has made a mistake in acquitting a man and that it should reconsider its action? Such a practice almost amounts to no trial by jury at all, because while the members of the courts-martial are not compelled to follow the directions of the reviewing authority, yet they are subordinates to the reviewing authority and naturally try to please him in many instances. Now, just to illustrate the injustice of this practice, I want to read to you a case where a soldier was tried by a court-martial and found "not guilty," but the reviewing authority, apparently thinking he knew more about the case than those before whom it was tried, referred it back for reconsideration. I am personally acquainted with this case. A lieutenant was tried in one of the camps of

this country for violation of the ninety-fifth article of war. There were two specifications laid thereunder. The man was found "not guilty," but when the record reached headquarters it was disapproved and returned to the court for reconsideration, and I want you to listen to the statement that is made:

In the foregoing case of Second Lieut. Elmer L. Berg, Infantry Reserve Corps, the court, notwithstanding clear and conclusive evidence of guilt, has persisted in adhering to a finding of acquittal, which finds no support either in the record or in the law; and has persisted therein after its error has been carefully pointed out.

Proper regard for the good of the service and the duty of the court thereto plainly indicated a different finding in this case; and the division commander can not do otherwise than express his displeasure and astonishment that any court should be found so lacking in judgment.

The proceedings and findings are disapproved.
By command of Brig. Gen. Beach.

Now, does the old régime in Russia or Prussia offer a more glaring example of militaristic despotism? After the court had acquitted the soldier and refused to change its findings, this Gen. Beach, who was not even present at the trial and knew nothing of the case except perhaps by a careless review of the transcript of the case and some ill feeling toward this young officer, ordered the court to reconsider.

Now, the worst part of this case was that this young man was acquitted by the court on May 2, 1918, and was kept in confinement until May 22, 1918. In other words, this man was kept in confinement 20 days after he had been declared innocent, and all because Gen. Beach desired to express "his displeasure and astonishment." The result was that this young man, after having been in confinement 20 days, after he was declared innocent by the court, left his quarters one night and was tried again for breaking arrest, and was dismissed the service. Such rules, articles, and practices do not encourage discipline nor morale, but actually break down morale and destroy discipline in its proper sense. Under the new provisions of this act this could not have occurred because it says, on page 39:

Whenever the court has acquitted the accused of all specifications and charges, the court shall, at once, announce such result in open court.

The SPEAKER. The time of the gentleman has expired.

Mr. SWOPE. Will the gentleman yield me one more minute?

Mr. KAHN. All right; I yield the gentleman one minute.

Mr. SWOPE. Now, gentlemen, getting back to this young soldier. In view of the manifest injustice done him, I took it up with the office of the Judge Advocate General to see if we might secure an honorable discharge for him, and received a full and comprehensive letter from that office, which, after giving the facts in the case as I have given them to you, ended with the paragraph:

As former Lieut. Berg was dismissed the service pursuant to a legal court-martial sentence, he is completely separated from the Army, and not being in the Army he can not be discharged therefrom.

This lieutenant served honestly and faithfully and was exonerated by the court on his first trial, but now can not have a discharge simply because he declined and refused to be kept in arrest more than 20 days after he had been acquitted, and as a result was tried again and dismissed.

Mr. FIELDS. All because one officer thought he should have been convicted.

Mr. SWOPE. Exactly. But under this new bill, which marks a great step in the proper direction, it can never happen again. [Applause.]

Mr. KAHN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, I dislike very much to be a jarring note in this symphony of approval that has gone on here, but, personally, I shall vote against the conference report. In the first place, the bill carries a provision relative to the National Guard that is clearly unconstitutional, and so decided by every lawyer who has examined the decisions of the Supreme Court upon the subject. In the second place, it does not comply with the wishes of the experts in the National Guard in the States that have a sufficient amount of National Guard to understand what it means, and they represent a major portion of the organized guard; and, in the third place, this great committee and this Congress has, like the mountain, labored and brought forth a mouse. There is no question but that when this bill becomes effective this country will be in as helpless a condition as when we entered the Great War. I think it is a shame that the membership of a great body like this, after the country was caught unprepared by the great military powers of the Old World and sent its men into battle untrained and untried, should say to the coming generation that in the next war they, too, shall go to the sacrifice, and go as unprepared as the boys went in this generation. Under those circumstances, Mr. Speaker, if I am the only Member of this

Congress who votes against this conference report, I propose to vote against it. My country may be unprepared for the next war, but at least I will have a clear conscience.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, I object.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, as a member of the Committee on Military Affairs, I think I voice the sentiment of all my fellow members on that committee in saying that we rejoice, after months and months of hard labor, that we have reached this hour when we are to take final action on this bill. I do not agree with my colleague from New York [Mr. CALDWELL] that we have labored long and brought forth a mouse. It is true that a majority of us on the committee declined to follow the lead of our distinguished colleague from New York. We have done many things in this bill over his protest; but, after all, I want to say to my colleagues in all sincerity as one member of the Committee on Military Affairs, who has only in mind the welfare of the Military Establishment and our country, that in my judgment this bill will be the best military law that has ever been written on the statute books of our country. It does justice to the Regular Army, it takes care of the National Guard, it removes the heartburnings of thousands of men in the Regular Army who have not known their position heretofore, and it protects the people by providing 18,000 officers.

We learned one lesson in the World War just passed, and that is, if there is one thing necessary as a matter of national defense it is officers who are qualified. We have provided in this bill for the organization of a General Staff that will be of value on the field of battle as well as in the city of Washington. And I want to say to any man in this room who is alarmed about the number of officers that there are only about 50 per cent of those officers who are really fighting men. Under a system that has been in vogue in this country for years, we have given commissions to chaplains, to veterinarians, to doctors, and to dentists, and all the other civilian auxiliary branches of the Army, which adds to the total number of officers. And do not be misled in thinking that we have too many fighting officers provided for in this bill. We ought to have more of them and fewer of these other commissioned officers.

Mr. SWOPE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks that I made on this bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to revise and extend the remarks made on this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, I quite agree to all the nice things that have been said about the conferees on this bill. I think it is a wonderful bill, but there is one feature about it which, though a minor feature, I think will cause criticism in the future. It was not in the bill the way it is now when it passed the House. I think it is reasonable to call attention to it here. It is in regard to the one-year enlistment. As the bill passed the House I think that feature was perfect. A man could enlist for one year and he could reenlist for another one year, or he could enlist for three years. As it is now, a man can enlist for one year, but can not reenlist for one year. The result of that will be that we will have beginners taking training for one year. We will have men with training of one year that can not get into the Army for another one-year enlistment. The result will be they will criticize Congress for passing such an unreasonable law, when it is not our fault at all, but is due to the stupid opposition of the Army, that has always opposed short-term enlistments. It will be corrected later.

Mr. KAHN. Mr. Speaker, how much time have I consumed?

The SPEAKER. Thirty-seven minutes.

Mr. KAHN. Mr. Speaker, the Members of the House have expressed various views about the conference report. The bill as it is reported by the conferees is practically the House bill. We took some of the Senate provisions. I believe they helped to better the House bill. I have not the fear that the gentleman from New York [Mr. CALDWELL] has about this bill. I think, and I believe, that it is the best military bill that has ever been written upon the statute books of the Republic. [Applause.] Oh, if I could have written it myself I think I could have bettered it in many particulars. There are a number of strong preparedness sections that I would have included. But, after all, when a bill goes to conference you have to respect the views of the bodies at both ends of this Capitol.

Mr. BEE. Will the gentleman yield for a question?

Mr. KAHN. I will.

Mr. BEE. Of course, I am strongly in favor of this conference report, and I share the sentiments of the other Members. On page 40, article 32 seems to be a dangerous proposition, inasmuch as it gives the military tribunal the right to punish a civilian for contempt. Do I understand the practice in the past has been that when a civilian commits contempt before a military court-martial, it has been referred to the United States attorney, and he is tried before a Federal judge? If I read article 32, page 40, correctly, it would give the military court-martial the right to imprison for a month a civilian who is guilty of contempt before a military tribunal. It occurred to me it was a dangerous precedent, and I felt it my duty to call attention to the matter.

Mr. KAHN. Mr. Speaker, the Articles of War and court-martial trials were considered by a subcommittee of the Committee on Military Affairs, of which the gentleman from Pennsylvania [Mr. CRAGO] was chairman. That committee went into these questions very fully. They had voluminous hearings. They heard officers of the Judge Advocate's Department; they heard officers who were in the American Expeditionary Forces, and a committee from the American Legion appeared before that subcommittee and went over every article embraced in that section of the conference report which relates to military justice. That committee felt fully convinced that it was advisable to retain that section. They so reported to the entire Committee on Military Affairs, which committee accepted the report of its subcommittee.

I yield to the gentleman from Pennsylvania [Mr. CRAGO], the chairman of that subcommittee, in my time, to explain the matter.

Mr. BEE. Mr. Speaker, I want to ask the gentleman from Pennsylvania, if he will permit me to ask a question in that connection, whether, in the judgment of the gentleman from California or the gentleman from Pennsylvania, the Congress has the right to pass a law that would make a civilian subject to punishment and confinement by a military court-martial?

Mr. CRAGO. I do not think there is any question about that, and if the gentleman desires an explanation of it, and another paragraph, which makes another offense committed by a civilian in connection with a court-martial procedure punishable by the Federal courts, I will say that the matter was brought up something like this: In one of the court-martial proceedings, where they were trying an alleged draft evader—

Mr. BEE. In that instance he would be subject to the military authorities.

Mr. CRAGO. The gentleman did not let me finish my statement. As I was saying, the Government found the witnesses before the court were being tampered with by outside parties, and they found to their dismay that there was nothing making the tampering with witnesses before the court-martial a penal offense, and we thought that that should be provided for in these Articles of War. And this section 32 was put in here merely to safeguard the procedure before the court-martial. In other words, around many of the military posts there are numerous civilians, and in the conduct of these cases these civilians, without this provision here, would not be subject to the control of the officers of that court, and there might be riotous conduct, or menacing conduct, or threatening conduct, or disorderly conduct of any kind, and the court-martial would have to await the determination of some other court maybe hundreds of miles away.

Mr. BEE. If the gentleman will permit me, what becomes of the existing law on that subject, which has heretofore required cases of contempt by civilians before a military court to be sent to the United States court?

Mr. CRAGO. That would be all right if a United States court were available for that purpose. But this simply defines what act of civilians constitutes an offense. That is section 32. I do not think there is any question about the position that the gentleman takes in a general way. In other words, you can very well see how the action of a court could be broken up by civilians with no power to punish. This is only in line with the general provision which makes all persons in the vicinity of a military post subject to military law.

Mr. BEE. I want to ask the gentleman from Pennsylvania this question: I am just as strong for the Army and all that as any other man, but what right have we to pass a law which gives the military authorities control over civilians around a military post?

Mr. CRAGO. We are establishing here a system of military courts, and the very right that would enable us to establish a Federal court or define offenses punishable by a Federal court,

gives us the right. The same lawmaking power exercised here would be authorized to define any other offense against a Federal statute.

Mr. KAHN. I may say that the Judge Advocate General, who is well grounded in matters of this kind, believes this to be constitutional; and he, after all, is the law officer of the War Department.

Mr. BEE. What becomes of existing law, which now requires, before this enactment, that persons convicted of contempt before a military court shall be sent to the United States court?

Mr. CRAGO. I do not think this will repeal that law. It is simply an additional method of dealing with that class of offenders.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. CLARK of Missouri. Are you trying to make it a criminal offense for a witness not to obey an ordinary subpoena?

Mr. CRAGO. Not in this provision.

Mr. KAHN. This is to cover cases where civilians attempt to interfere with witnesses who are summoned to appear before a court; in preventing tampering with those witnesses. Of course, if it were a civil case or a criminal case they could be severely dealt with according to statute law.

Mr. BEE. And they can now be so dealt with. Let me ask the gentleman this further question: A great many of the courts of this country have held that a contempt proceeding is subject to review. The writ of habeas corpus lies, and a trial by jury would be a part of their right. Does this section take away from a civilian who may be disrespectful to the court the right of writ of habeas corpus or the right of trial by jury as to whether or not he has committed a violation of the law?

Mr. SISSON. The gentleman from Pennsylvania does not mean in a contempt proceeding, unless it is specifically provided that he shall have the right of trial by jury.

Mr. CRAGO. This only amends section 32, but it does not disturb that right that a man would have to appeal.

Mr. SISSON. Let me ask this question: Is it limited only to cases where a civilian in some way attempts to pervert justice in a trial that is being conducted?

Mr. CRAGO. Yes; if he uses any menacing words or signs or gestures, or if he disturbs the proceedings by signs or disorder.

Mr. BEE. Or is disrespectful to them?

Mr. CRAGO. Yes.

Mr. KAHN. Mr. Speaker, there are one or two other little matters that remain to be explained.

A great deal of fear seems to have entered the minds of a great many of the wounded officers, and they were fearful that they would be thrown out of the medical hospitals of the Army on the 1st of July. The bill contains a provision continuing those wounded men on the roll until they are cured or put in a condition where the Army hospitals can not give them any further relief.

Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The gentleman from California moves the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. ALMON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Alabama asks for a division.

Mr. JOHNSON of Mississippi. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. MANN of Illinois. I suggest to the gentleman from Mississippi that he wait until the House divides, and then he can get an automatic roll call.

Mr. JOHNSON of Mississippi. I make the point of no quorum present.

Mr. MANN of Illinois. If the gentleman makes the point of no quorum now he will not get an automatic roll call.

The SPEAKER. The Chair suggests that the gentleman wait until the House divides.

Mr. JOHNSON of Mississippi. I thought the House had divided.

The SPEAKER. No. The House is about to divide.

The House divided; and there were—ayes 109, noes 30.

Mr. JOHNSON of Mississippi. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. Those who favor agreeing to the conference report will, as their names are called, vote "yea," those opposed will vote "nay."

The question was taken; and there were—yeas 237, nays 107, not voting 83, as follows:

YEAS—237.

Ackerman	Freeman	Longworth	Riordan
Anderson	Fuller, Ill.	Luce	Robison, Ky.
Andrews, Md.	Fuller, Mass.	Lufkin	Rodenberg
Andrews, Nev.	Gallagher	Luhling	Rogers
Anthony	Gallivan	McAndrews	Rose
Babka	Ganly	McArthur	Rowe
Bacharach	Gard	McFadden	Sabath
Barbour	Garland	McGlennon	Sanders, Ind.
Bee	Glynn	McKenzie	Sanford
Begg	Goldfogle	McKinley	Schall
Benham	Good	McKinley	Sells
Benson	Goodykoontz	McLaughlin, Mich.	Siegel
Black	Graham, Ill.	MacCrate	Sinnott
Bland, Ind.	Green, Iowa	McLaughlin, Nebr.	Slomp
Bland, Mo.	Greene, Mass.	MacGregor	Smith, Idaho
Bland, Va.	Greene, Vt.	Madden	Smith, Ill.
Boies	Griest	Magee	Smith, Mich.
Brooks, Ill.	Griffin	Maher	Smith, N. Y.
Brooks, Pa.	Hadley	Mann, Ill.	Stephens, Ohio
Burdick	Hamilton	Mapes	Strong, Kans.
Burroughs	Hardy, Colo.	Martin	Strong, Pa.
Butler	Harrell	Michener	Summers, Wash.
Campbell, Kans.	Harrison	Miller	Sweet
Campbell, Pa.	Haugen	Minahan, N. J.	Swope
Canon	Hawley	Monahan, Wis.	Taylor, Tenn.
Carew	Hays	Monell	Temple
Chindblom	Hersman	Mooney	Thompson
Christopherson	Hickey	Moore, Ohio	Tilson
Classon	Hicks	Moore, Va.	Timberlake
Coady	Hill	Moore, Ind.	Tincher
Cooper	Hoch	Morgan	Tinkham
Copley	Holland	Mott	Towner
Crago	Howard	Mudd	Treadway
Crowther	Hudspeth	Murphy	Upshaw
Cullen	Hull, Iowa	Neely	Vaile
Currie, Mich.	Husted	Nelson, Wis.	Vare
Dallinger	Hutchinson	Newton, Minn.	Vestal
Darrow	Igoe	Newton, Mo.	Walsh
Denney	Ireland	O'Connell	Walters
Denison	James	Ogden	Ward
Dickinson, Iowa	Jeffers	Olney	Watson
Donovan	Johnson, S. Dak.	Osborne	Watson
Dooling	Johnston, N. Y.	Overstreet	Webster
Dowell	Juhl	Paige	Welling
Drewry	Kahn	Parker	Welty
Dunbar	Kearns	Pell	Wheeler
Dunn	Kendall	Peters	White, Kans.
Dupré	Kennedy, R. I.	Phelan	White, Me.
Eagan	King	Platt	Williams
Echols	Kinkaid	Purnell	Wilson, Ill.
Elliott	Klecza	Radcliffe	Winslow
Emerson	Knutson	Rainey, J. W.	Wise
Esch	Kraus	Raker	Woods, Va.
Evans, Nebr.	Layton	Ramsey	Woodyard
Fairfield	Lazaro	Ramseyer	Wright
Fess	Lea, Calif.	Randall, Wis.	Yates
Fisher	Lee, Ga.	Reed, N. Y.	Zihlman
Focht	Lehbach	Reed, W. Va.	
Fordney	Linthicum	Ricketts	
Foster	Loneragan		

NAYS—107.

Almon	Davis, Minn.	Kincheloe	Robinson, N. C.
Ashbrook	Davis, Tenn.	Lampert	Romjue
Aswell	Dent	Lanham	Rouse
Ayres	Dickinson, Mo.	Larsen	Ruby
Baer	Dominick	Leshner	Sanders, La.
Bankhead	Doughton	Little	Sherwood
Barkley	Eagle	McDuffie	Sinclair
Bell	Evans, Mont.	McKeown	Sisson
Blanton	Ferris	McLane	Steagall
Bowers	Fields	Major	Steenerson
Box	Flood	Mann, S. C.	Stevenson
Brand	French	Mead	Stoll
Briggs	Gandy	Milligan	Summers, Tex.
Browne	Garner	Moon	Tague
Buchanan	Garrett	Nelson, Mo.	Taylor, Ark.
Byrnes, S. C.	Goodwin, Ark.	Nicholls	Taylor, Colo.
Byrns, Tenn.	Hardy, Tex.	O'Connor	Venable
Caldwell	Healin	Oldfield	Vinson
Candler	Hoe	Oliver	Voigt
Caraway	Huddleston	Padgett	Volstead
Carss	Hull, Tenn.	Park	Watkins
Casey	Humphreys	Parrish	Weaver
Clark, Mo.	Jacoway	Quin	Whaley
Collier	Johnson, Ky.	Rainey, Ala.	Wilson, Pa.
Connally	Johnson, Miss.	Rainey, H. T.	Wingo
Cramton	Jones, Tex.	Randall, Calif.	Young, Tex.
Davey	Keller	Rayburn	

NOT VOTING—83.

Blackmon	Clark, Fla.	Doremus	Godwin, N. C.
Booher	Cleary	Drane	Goodall
Brinson	Cole	Dyer	Gould
Britten	Costello	Edmonds	Graham, Pa.
Brumbaugh	Crisp	Ellsworth	Hamill
Burke	Curry, Calif.	Elston	Hastings
Cantrill	Dale	Evans, Nev.	Hayden
Carter	Dewalt	Frear	Hernandez

Hersey	Lankford	Reavis	Snell
Houghton	McClintic	Reber	Snyder
Hullings	McCulloch	Rhodes	Stedman
Johnson, Wash.	McPherson	Rowan	Steele
Jones, Pa.	Mansfield	Rucker	Stephens, Miss.
Kelley, Mich.	Mason	Sanders, N. Y.	Stiness
Kelly, Pa.	Mays	Scott	Sullivan
Kennedy, Iowa	Merritt	Scully	Thomas
Kettner	Montague	Sears	Tillman
Kless	Morin	Shreve	Wilson, La.
Kitchin	Nolan	Sims	Wood, Ind.
Kreider	Porter	Small	Young, N. Dak.
Langley	Pou	Smithwick	

So the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. RHODES with Mr. TILLMAN.

Mr. DALE with Mr. EVANS of Nevada.

Mr. HERNANDEZ with Mr. HASTINGS.

Mr. COLE with Mr. HAYDEN.

Mr. SNYDER with Mr. CARTER.

Mr. ELSTON with Mr. DRAINE.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. MASON with Mr. KITCHIN.

Mr. GOODALL with Mr. CRISP.

Mr. CURRY of California with Mr. BOOHER.

Mr. KLESS with Mr. DEWALT.

Mr. KELLY of Pennsylvania with Mr. DOREMUS.

Mr. JOHNSON of Washington with Mr. McCLINTIC.

Mr. WOOD of Indiana with Mr. STEDMAN.

Mr. REAVIS with Mr. SIMS.

Mr. NOLAN with Mr. THOMAS.

Mr. STINESS with Mr. WILSON of Louisiana.

Mr. HERSEY with Mr. KETTNER.

Mr. KREIDER with Mr. BRINSON.

Mr. EDMONDS with Mr. GODWIN of North Carolina.

Mr. SHREVE with Mr. BRUMBAUGH.

Mr. SNELL with Mr. STEPHENS of Mississippi.

Mr. YOUNG of North Dakota with Mr. SCULLY.

Mr. DYER with Mr. RUCKER.

Mr. BURKE with Mr. SULLIVAN.

Mr. KELLEY of Michigan with Mr. MAYS.

Mr. FREAR with Mr. MONTAGUE.

Mr. JONES of Pennsylvania with Mr. OLNEY.

Mr. GOULD with Mr. SMALL.

Mr. MORIN with Mr. SMITHWICK.

Mr. McPHERSON with Mr. SEARS.

Mr. PORTER with Mr. POUL.

Mr. McCULLOCH with Mr. ROWAN.

Mr. SCOTT with Mr. CLEARY.

Mr. SANDERS of New York with Mr. LANKFORD.

Mr. REBER with Mr. HAMILL.

Mr. MERRITT with Mr. BLACKMON.

Mr. ELLSWORTH with Mr. MANSFIELD.

Mr. HOUGHTON (for) with Mr. CANTRILL (against).

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11960. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921; and

H. R. 13416. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1921, and for other purposes.

ALLOTMENT OF LAND OF THE CROW INDIANS—CONFERENCE REPORT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call up the conference report on the bill S. 2890, to provide for the allotment of land of the Crow Tribe, for the distribution of tribal funds, and for other purposes.

The SPEAKER. The gentleman from Kansas calls up the conference report of which the Clerk will read the title.

The Clerk read the title, as follows:

S. 2890. An act to provide for the allotment of land of the Crow Tribe, for the distribution of tribal funds, and for other purposes.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendments numbered 2, 19, 20, and 31.

That the Senate recede from its disagreements to the amendments of the House numbered 3, 10, 11, 12, 13, 14, 15, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, and 32, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Omit the matter stricken out by said amendment and, on page 1 of the bill, in line 10, after the word "Montana," insert the following: "(not including the Big Horn and Pryor Mountains the boundaries whereof to be determined by said commission with the approval of the Secretary of the Interior) and"; and the House agree to the same.

Amendments numbered 4, 5, 6, 7, 8, and 9: That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, 6, 7, 8, and 9, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Sec. 2. No conveyance of land by any Crow Indian shall be authorized or approved by the Secretary of the Interior to any person, company, or corporation who owns at least 640 acres of agricultural or 1,280 acres of grazing land within the present boundaries of the Crow Indian Reservation, nor to any person who, with the land to be acquired by such conveyance, would become the owner of more than 1,280 acres of agricultural or 1,920 acres of grazing land within said reservation. Any conveyance by any such Indian made either directly or indirectly to any such person, company, or corporation of any land within said reservation as the same now exists, whether held by trust patent or by patent in fee shall be void and the grantee accepting the same shall be guilty of a misdemeanor and be punished by a fine of not more than \$5,000 or imprisonment not more than six months or by both such fine and imprisonment.

"The classification of the lands of such reservation for the purpose of allotment and the allotment thereof shall be made as provided in the act of Congress approved June 25, 1910 (36 Stat. L., p. 859), which classification with any heretofore made by authority of law as to lands heretofore allotted shall be conclusive, for the purposes of this section, as to the character of the land involved."

And the House agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: On page 6 of the bill, in line 10, after the word "act" insert the following "unless otherwise ordered by Congress"; and the House agree to the same.

Amendment numbered 23: That the Senate recede from its disagreement to the amendment of the House numbered 23, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment; and the House agree to the same.

P. P. CAMPBELL,
J. H. SINCLAIR,
C. E. RANDALL,
HARRY L. GANDY,
ZEBULON WEAVER,

Managers on the part of the House.

CHARLES CURTIS,
T. J. WALSH,
JOHN B. KENDRICK,

Managers on the part of the Senate.

STATEMENT.

The language in lines 5, 6, 7, and 8, of section 1, stricken out by House amendment No. 1 sought to leave unallotted certain lands on the reservation within which are located the Big Horn and Pryor Mountains. There was some question as to just what is the description of the lands the Indians desired to be not allotted. In amendment 23 there was included by the House this language: "Provided, That the Big Horn and Pryor Mountains shall be reserved from allotment." The conferees agreed to House amendment No. 1, but it will be noted that the language inserted in House amendment No. 23 was receded from by the House managers, with an amendment inserting after the word "Montana," in line 10, page 1, the following, "not including the Big Horn

and Pryor Mountains, the boundaries whereof shall be determined by said commission with the approval of the Secretary of the Interior and." Thus, what was sought to be accomplished by both the Senate and the House has been accomplished, but definite decision as to just what constitutes the Big Horn and Pryor Mountains is left for determination to the commission provided for in this bill, subject to the approval of the Secretary of the Interior.

House amendment No. 2 provided that the title of an allottee to the land of his allotment should attach at the time of making selection and reporting same to the agency office. Your conferees receded, leaving the vesting of title under an allotment as is now provided by the general allotment law, at the time of the approval by the Secretary of the Interior.

House amendments Nos. 19 and 20 provided that reclamation expenditures should be reimbursed to the Crow Tribe of Indians. It was later ascertained that some of the expenditures have been made directly from the United States Treasury; hence all of the reimbursements should not be made to the Crow Tribe. Your managers receded from these two amendments, leaving the provisions of the bill that the reclamation expenditures should be reimbursed, and thus there will be returned to the Indians their share and to the United States Treasury the amount expended from it.

House amendment No. 31 eliminated provisions for per diems for legislative committee of the Crow Tribe when visiting Washington on tribal business at the request of the Commissioner of Indian Affairs or a committee of Congress. Your conferees receded from that amendment, being convinced that a legislative committee on behalf of the tribe ought properly to be paid for its services.

House amendments Nos. 4, 5, 6, 7, 8, and 9 practically rewrote section 2, under the provision of which it is sought to limit both the number of acres of land that any Crow Indian may sell and to fix the qualifications for eligibility to purchase. The necessity for some provision of this nature lies in the fact that this bill proposes to practically divide the Crow Reservation among the members of the tribe, and it is not thought to be either good public policy or for the best interests of the Indians to permit any one firm, person, or corporation to acquire any great acreage of the land. The proviso in House amendment No. 9 provided that the limitations should not apply to grazing land. A new section was therefore drafted in lieu of amended section 2, as follows:

"Sec. 2. No conveyance of land by any Crow Indian shall be authorized or approved by the Secretary of the Interior to any person, company, or corporation who owns at least 640 acres of agricultural or 1,280 acres of grazing land within the present boundaries of the Crow Indian Reservation, nor to any person who, with the land to be acquired by such conveyance, would become the owner of more than 1,280 acres of agricultural or 1,920 acres of grazing land within said reservation. Any conveyance by any such Indian made either directly or indirectly to any such person, company, or corporation of any land within said reservation as the same now exists, whether held by trust patent or by patent in fee shall be void and the grantee accepting the same shall be guilty of a misdemeanor and be punished by a fine of not more than \$5,000 or imprisoned not more than six months or by both such fine and imprisonment. The classification of the lands of such reservation for the purpose of allotment and the allotment thereof shall be made as provided in the act of Congress approved June 25, 1910 (36 Stat. L., p. 859), which classification with any heretofore made by authority of law as to lands heretofore allotted shall be conclusive, for the purposes of this section, as to the character of the land involved."

Under this amended section 2 one who owns 640 acres of agricultural land on the reservation can purchase only 640 acres of similar land, while one who owns not more than 1,280 acres of grazing land may also purchase 640 acres of similar land. In either case but 640 acres of land may be sold to the same purchaser.

Section 6 provides a mineral reservation to the tribe, and House amendment No. 16 reduced the duration of such reservation from 50 to 25 years. The Senate conferees accepted the House amendment with the addition of the following language: "unless otherwise ordered by Congress."

Senate conferees receded on House amendment 23 in so far as it pertains to the language stricken out and your conferees receded regarding the language inserted, mention of which inserted language was made in the first paragraph of this statement.

The Senate conferees accepted House amendments Nos. 3, 10, 11, 12, 13, 14, 15, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, and 32.

Your conferees, therefore, recommend the agreement of the House to this conference report.

P. P. CAMPBELL,
J. H. SINCLAIR,
C. E. RANDALL,
HARRY L. GANDY,
ZEBULON WEAVER,

Managers on the part of the House.

Mr. CAMPBELL of Kansas. Mr. Speaker, the statement covers the action of the conferees on the question of differences between the two Houses, and, if there are no questions, I move the previous question.

Mr. McKEOWN. I would like to ask the gentleman one question. Is the provision as to the sale of the land of the deceased Indians to soldiers made in the bill?

Mr. CAMPBELL of Kansas. That was not in conference. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

CLAIMS OF SIOUX TRIBE OF INDIANS—CONFERENCE REPORT.

Mr. DALLINGER. Mr. Speaker, I call up the conference report on the bill H. R. 400.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the bill H. R. 400, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: After the word "funds," in section 1, insert the words "or lands," and before the comma in the same line insert the words "or band or bands thereof"; and the Senate agree to the same.

FRED'K W. DALLINGER,
J. H. SINCLAIR,
HARRY L. GANDY,

Managers on the part of the House.

SELDEN SPENCER,
CHAS. L. McNARY,

Managers on the part of the Senate.

STATEMENT.

This bill H. R. 400 authorizes the Sioux Tribe of Indians to submit claims to the Court of Claims. The Senate amended by substitution, which presented to your managers three points of difference between the two bills and which are hereafter discussed in the order in which they appear.

In section 2 of the bill as passed by the House, in defining the jurisdiction of the Court of Claims and in providing what may be pleaded as a credit or set-off on the part of the United States, there appear the two words "including gratuities." The effect of these two words appears immaterial when it is noted that the fore part of section 2 provides "that if any claim or claims be submitted to said courts they shall settle the rights thereof both legal and equitable of each and all of the parties thereto * * *."

The fore part of section 3 as passed by the House provides that if it be found any lands have been wrongfully appropriated, the damages shall be confined to the value of the land at the time of said appropriation. That was not carried in the Senate bill, inasmuch as the provision therein contained is the rule of all courts with relation to the misappropriation of land or other property. Hence, it appears that this difference in the two bills is also immaterial.

The latter part of section 3 as passed by the House provided if judgment should be recovered interest should be decreed thereon at the rate of 3 per cent per annum from the date of the appropriation of the lands. It has not been the practice of Congress in passing Court of Claims bills to authorize the

payment of interest, and the conferees finally agreed that it is perhaps not wise to establish a precedent along that line.

Inasmuch as section 3 of the House bill, which was not carried in the Senate bill, contains the only direct reference in the bill to a claim for damages on account of misappropriation of lands, the conferees agreed to an amendment in section 1, so that specific provision is made that the suit filed may be on account of the misappropriation of lands.

For the reasons stated your managers receded from the disagreement to the Senate amendment and agreed to the same with the amendment referred to. As agreed to the bill follows the usual form of authorizing submission of the claims of Indian tribes to the Court of Claims.

The agreement of the House to the conference report is therefore recommended.

FREDERICK W. DALLINGER,
J. H. SINCLAIR,
HARRY L. GANDY,

Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the conference report. I would like to ask the gentleman from Massachusetts if there is anything in the bill as it passed the House and the Senate which confers jurisdiction upon land?

Mr. DALLINGER. I think there was, but the gentleman from South Dakota has a copy of the bill.

Mr. GANDY. Section 3 of the bill as it passed the House made specific provision as to land. That was the one section in the bill that did make provision for land. For the reason stated in the statement section 3 was eliminated. So it left no provision in the bill as to land.

Mr. WALSH. The transfer of the provision relative to the land was to the other section of the bill?

Mr. GANDY. To section 1.

Mr. WALSH. So you make the operations under section 1 include the land?

Mr. GANDY. To cover funds and land.

Mr. WALSH. Mr. Speaker, I withdraw the reservation.

Mr. CANNON. What Indians does this conference report refer to?

Mr. GANDY. To the Sioux Indians in South Dakota.

Mr. Speaker, the action of the House in agreeing to the conference report on House bill 400 completes the passage of the bill introduced by me authorizing an adjudication by the Court of Claims of the claims of the Sioux Tribe of Indians and successfully closes nearly 40 years of effort by these Indians to secure recognition of their claims. It is fitting that once more I should point out to you just what this measure does and the reasons for its passage.

The Sioux Tribe of Indians is composed of a number of bands, each of which now reside upon and own separate reservations. Several of these bands have individual claims, and those can now be brought before the Court of Claims for determination, for this bill proposes that there may be an adjudication of all claims of whatsoever nature which the Sioux Tribe, or band or bands thereof, may have against the United States which have not heretofore been determined by the Court of Claims.

By far the largest claim of the Sioux is that with relation to the alleged enforced cession of the Black Hills in 1876, and for that reason this bill has been very commonly referred to among the Sioux as the Black Hills claim bill. In order to understand just what that claim is, one should recall the situation as it existed in Dakota Territory prior to January 1, 1868. The Indians then claimed practically all of what is now South Dakota. With the exception of a few settlers in the eastern portion, a few traders to the west thereof, and some squaw men among the Indians, there were no whites in the Territory. Various exploratory trips had been made into the country west of the Missouri River, and almost as it were like fairyland tales came the stories of gold beyond. So prevalent became these stories that in 1861 there was formed at Yankton, the capital of the then Dakota Territory, the Black Hills Exploring & Mining Association, which association, however, never got beyond the organization stage. In 1866 Dr. F. V. Hayden, an eminent scientist, who at one time was professor of geology in the Philadelphia Academy of Sciences and also was connected with the Smithsonian Institution, at Washington, visited Dakota and proceeded from Fort Randall, on the Missouri River, with a few troops for a body guard and companions, to the Bad Lands and the Black Hills. Upon his return in 1867, at Yankton he charmed and enthused the pioneers with a glowing story of his travels, including mention of the rich gold deposits in the hills. That the statements made in his address at Yankton and his published report of his trip scattered very widely and caused

excitement is easily understood. This, together with the reports of Lieut. Warren of his exploration in the Northwest in 1858 and the earlier report of Lieut. Mullen in 1853, precludes this Government from insisting that it negotiated and ratified the Fort Laramie treaty of April 29, 1868, with the Sioux—ratified by the Senate on February 16, 1869, and proclaimed by the President on February 24, 1869—without full knowledge of the territory involved. By that treaty the Sioux consented that their reservation be restricted to what is now South Dakota west of the Missouri River and existing reservations on the east bank thereof—Crow Creek and Yankton Reservations. Thus, the Rosebud, Pine Ridge, Lower Brule, Cheyenne, and Standing Rock Bands of the Sioux came into definite ownership of what is now western South Dakota and a portion of southwestern North Dakota. Article 2 of that treaty defined the boundaries of the Sioux Indian Reservation and guaranteed the sacredness of it as follows:

ART. 2. The United States agrees that the following district of country, to wit, viz, commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same; thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river; thence west across said river, and along the northern line of Nebraska, to the one hundred and fourth degree of longitude west from Greenwich; thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no person except those herein designated and authorized so to do, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid and except as hereinafter provided.

It is, indeed, surprising that the United States Government ever made and proclaimed such a treaty provision, knowing the Black Hills to contain gold; but having once made it there can be no question of the obligation incurred. The agitation for the exploration and development of the Indian country continued, but it was not until some years later that any of the numerous expeditions which were fitted out actually made their way into the Black Hills and began the mining of gold.

Kingsbury's "Dakota Territory," volume 1, pages 874 and 875, states:

The Secretary of the Interior in his annual report for 1868-69, after a general review of the natural advantages and resources of South Dakota, says: "The Black Hills, situated in the southwest part, contain gold, silver, copper, and coal. Large forests of pine also exist in this locality adapted to building purposes."

This in a Government document, officially given out five years before the Custer expedition, indicates that the existence of gold in the Black Hills was not then a subject of doubt in Washington.

The agitation of gold in the Black Hills had reached to nearly every portion of the United States, and it was apparent as early as 1872 that a public sentiment was forming throughout the country so widespread and determined that the Government would find it necessary in the interest of peace to arrange a treaty with the Indian owners for cession of that country. The time had come when the proclamations of civil and military officials were in danger of being disregarded. Expeditions were forming as far east as Massachusetts, of such numerical strength that their leaders felt rather like inviting instead of avoiding a conflict with the Indians, and the sentiment was outspoken that Government troops would never go so far as to use their weapons upon American citizens who were engaged in exploring and developing the valuable mineral resources of the country—resources that the Indians could not develop and were valueless in their hands. So acute had the situation become in April, 1872, that Maj. Gen. Hancock, then commanding the Department of Dakota, issued an important communication to the people of Dakota and the Northwest, which was designed to allay the growing popular feeling by a statement of the situation, and also to engender doubts regarding the existence of paying gold deposits.

And about the same time the executive of Dakota Territory put forth a warning proclamation in words following:

"BY THE GOVERNOR OF DAKOTA TERRITORY—A PROCLAMATION.

"Information having reached the office of the executive of said Territory, through various sources, to the effect that combinations of men have been and are now being made with a view of entering and occupying the region of country known as the Black Hills of Dakota, which is within the reservation belonging to the Sioux Indians, under the plea that the said Black Hills country has valuable mineral deposits, as well as quantities of timber fit for lumber:

"Now, therefore, I, Edwin S. McCook, secretary and acting governor of the Territory of Dakota, by the direction of the President of the United States through the Hon. Columbus Delano, Secretary of the Interior, do hereby warn all such unlawful combinations of men, of whatever locality or under whatever plea or excuse operating, that any such attempt to violate our treaty stipulations with these Indians or disturb the peace of the Territory by an effort to invade, occupy, or settle upon said reservation, will not only be illegal and liable to disturb the peace between the United States and said Indians but will be disapproved by the Government; and if such efforts are persisted in, the Government will use so much of its civil and military force as may be necessary to remove from this Indian territory all persons who go there in violation of law.

"In testimony whereof I have hereunto set my hand and affixed the seal of the Territory. Given at my office in the city of Yankton, this 6th day of April, 1872.

"EDWIN S. MCCOOK, -[SEAL.]

"Secretary and Acting Governor of Dakota Territory."

In 1874 an expedition consisting of Cavalry, Infantry, and wagon train, under command of Gen. Custer, was sent from Fort Abraham Lincoln, near Bismarck, to explore the hills. The report of Gen. Custer late that year plainly told of the existence of precious metals, and from that time on even the Army was unable to stop the inrush of people lured thither by the prospect of acquiring riches in the gold fields. In 1875 and 1876 the towns of Sheridan, Hill City, Custer, Pactola—known at that time as Camp Crook—Deadwood, Rochford, Rapid City, and others came into existence. Gold, silver, lead, and other minerals were discovered in paying quantities, and the production thereof continues to this day. Hundreds of thousands of acres of good pine timber were found there. Millions of feet of timber is owned there to-day by the Government in the Black Hills and the Harney National Forests.

A deputation of leading Indians from the various bands was called to Washington in 1874 for the purpose of making a treaty which would cede the Black Hills country, but notwithstanding numerous conferences were held with the then Secretary of the Interior and with President Grant, no treaty was made. A scientific expedition to the hills country in 1875, under the direction of the Interior Department, by Prof. Walter P. Jenney, of the Columbia School of Mines, Washington, by its report added to the tremendous interest in the mineral discoveries in the hills. Prof. Jenney then estimated about 300 miners at work on the creeks and about 800 whites in the hills. That expedition was the last of the efforts made by the Government to explore the Black Hills, and the removal by Gen. Crook in 1875 of a large body of prospectors was the final effort of the Government to prevent emigration to the mining regions. Towns had already been laid out, mining districts had been organized, and the production of gold was well under way.

On September 18, 1875, a commission appointed by the President and representing the Government met approximately 15,000 Indians, and an extended effort was made to arrive at an agreement with the chiefs, but without result, for the Indians even then had full knowledge of the great value of their holdings.

In a report to the Secretary of the Interior in 1876, the then Commissioner of Indian Affairs, Hon. E. P. Smith, says:

Several thousand or more miners have way into the hills in the face of the most stringent orders of the military. These miners have organized an association for mutual protection and have adopted laws and regulations; have staked out and reserved their claims in the right to which they expect hereafter to be protected. In this complication of affairs there is but one alternative for the Government, either to increase the military force so as to compel a strict observance of the treaty rights of the Sioux by preventing all intrusion, or to put such restrictions upon the exercise of the large bounty now granted to the Sioux as to form an argument that will be likely to procure their assent to the cession of this country. * * * The occupation and possession of the Black Hills by white men is inevitable, but no reason exists for making this inevitability an occasion of wrong or injury to the Sioux.

Further complicating the situation came the disaster which overtook Gen. Custer and the troops under his command on the Little Big Horn, in Wyoming, on June 27, 1876. Notwithstanding the statement of Hon. Simon Cameron, the then Secretary of War, in a special report to the President concerning that massacre, that the discovery of gold on the western border of the big Sioux Reservation and the intrusion thereon had not caused the war with the Indians, the people of the country very generally associated the two and demanded immediate action. The Indian appropriation bill of August 15, 1876, contained the following proviso:

Provided, That none of said sums appropriated for said Sioux Indians shall be paid to any band thereof while said band is engaged in hostilities against the white people; and hereafter there shall be no appropriation made for the subsistence of said Indians unless they shall first agree to relinquish all right and claim to any country outside the boundaries of the permanent reservation established by the treaty of 1868 for said Indians; and also so much of their said permanent reservation as lies west of the one hundred and third meridian of longitude, and shall also grant rights of way over said reservation to the country thus ceded for wagon or other roads from convenient and accessible points on the Missouri River, in all not more than three in number.

Thus, notwithstanding the fact that the United States had by solemn treaty entered into in 1868 agreed to preserve inviolate the permanent reservation of the Sioux, in 1876 the above proviso in the Indian appropriation bill of that year plainly told the Indians that no more subsistence would be furnished them until they ceded a portion of their lands and certain rights of way over the remaining lands. More troops were sent into Dakota Territory following the Custer massacre, and the Indians were overawed and in many places disarmed. They were brought to realize their helplessness and their dangerous situa-

tion. The President appointed a commission to negotiate a new agreement that would clear the way for the formal opening of the Black Hills. The commission met the Indians near Red Cloud Agency, now known as Pine Ridge Agency, and on September 26, 1876—ratified February 28, 1877—an agreement was signed. From the foregoing it is easy to understand why the Indians then so readily entered into that agreement which ceded the Black Hills country and gave consent to three road rights of way from the Missouri River to the Black Hills. However, they have for years urged the claim that that agreement of cession was made under duress and carried little valuable consideration for the lands ceded; that the things which the Government agreed to do it had already very largely agreed to do in the treaty of 1868. Now, after all these years there will be a determining of this question, and if it shall be found that the lands of the Sioux Indians were wrongfully appropriated an accounting shall be had and just payment shall be made therefor. This should be done from the standpoint of right and justice. Mr. Speaker, it will promote more amicable relations between the Government and the Sioux Indians.

This bill provides that the legal and equitable rights of both parties shall be adjudicated. As originally passed by the House it provided for payment of interest at 3 per cent from the date of the misappropriation of the lands, but, as stated in the conference report, the Senate very strongly opposed the payment of interest as establishing a precedent in this sort of legislation. Hence, rather than see the bill defeated, the interest item was eliminated.

I have no authority to speak for the Secretary of the Interior as to what regulations he will promulgate under which the various tribes of the Sioux shall employ attorneys and make plans for their suit or suits before the Court of Claims, but I have no hesitancy in saying how, in my judgment, that ought to be done in so far as the Black Hills claim is concerned. After due notice there should be called an election on each of the Sioux reservations affected, at which such number of delegates should be elected as the ratio of the enrollment of that particular tribe bears to the total enrollment of the Sioux. The delegates so elected from each of the reservations should meet in a general council and there should be considered the question of the employment of an attorney or attorneys and the procedure to be followed. After that council shall have contracted with an attorney or attorneys to represent the Sioux, then the contract under this bill would be submitted to the Secretary of the Interior for approval.

Those are matters, however, Mr. Speaker, that the Secretary of the Interior and the Commissioner of Indian Affairs will undoubtedly duly consider and take such steps as will be best for the Indians. The Bureau of Indian Affairs is in sympathy with the Indians in this matter and will render every possible assistance. The Government will be represented at the suit or suits by the Department of Justice.

In conclusion, Mr. Speaker, permit me to say that I am happy, indeed, to have introduced this measure, which the Sioux Indians have tried so many years to pass. To-day's action will bring justice to them. Thousands of them are residents of western South Dakota. They are making great progress in this world's affairs. They are a peaceful, happy people, entitled to consideration, help, guidance, and justice at the hands of this, their Government.

The following is a copy of the bill as agreed upon:

[H. R. 400—Sixty-sixth Congress.]

That all claims of whatsoever nature which the Sioux Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds or lands of said tribe or band or bands thereof, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Sioux Tribe or any band thereof, shall set

forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribes or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

Mr. DALLINGER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

FEDERAL WATER POWER ACT.

Mr. ESCH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution 28, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring). That in the enrollment of the bill (H. R. 3184) entitled "An act to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of 'An act making appropriations for the construction, repair, and preservation of certain public works or rivers and harbors, and for other purposes,' approved August 8, 1917, and for other purposes," and for other purposes," the Clerk be, and he is hereby, authorized and directed to add a new section, to be known as section 30, and to read as follows:

"SEC. 30. That the short title of this act shall be 'The Federal water power act.'"

Also to amend the title to read as follows: "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act approved August 8, 1917, and for other purposes."

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. WALSH. Mr. Speaker, reserving the right to object, I think it should be explained.

Mr. ESCH. Mr. Speaker, the conferees in considering the joint water power bill found an error in the title of the bill in the repetition of the words "for other purposes." Moreover, it was considered that the title of the bill was rather large and extensive and could be readily condensed. We therefore recommended that the title be modified and the error be eliminated. At the same time we recommend that the short title of the act be "The Federal water power act," to distinguish it from the act of 1906 and the act of 1910.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate concurrent resolution.

The concurrent resolution was agreed to.

PERSONAL SERVICE CORPORATIONS.

Mr. GREEN of Iowa. Mr. Speaker, I call up the bill H. R. 14197, to amend the personal service corporation provisions of the revenue act of 1918, and for other purposes, and ask that the Chair put the next question in order on the bill. The previous question was ordered last night.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 14197, which the Clerk will report.

The Clerk reported the title of the bill.

The SPEAKER. When the House adjourned last night the previous question had been ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the pay of a private soldier in the Army.

The SPEAKER. Is there objection.

There was no objection.

Mr. GANDY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the conference report upon the bill H. R. 400, just agreed to.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks upon the Military Establishment.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. PELL. Mr. Speaker, I ask unanimous consent to extend my remarks on the bonus bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bonus bill.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRISP, for the day, on account of illness.

To Mr. SHERWOOD, for five days, beginning Monday, May 31, on account of memorial services.

LOANING COTS TO AMERICAN LEGION POST NO. 73.

Mr. BLAND of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 359, authorizing the Secretary of War to loan to the American Legion Post No. 73, Vincennes, Ind., necessary cots for use at the State encampment of the American Legion to be held at Vincennes, Ind., on June 28 and 29, 1920.

The resolution is in the regular form, reported by the unanimous vote of the Military Affairs Committee, with a recommendation of the War Department.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of House joint resolution 359. Is there objection?

Mr. WALSH. Mr. Speaker, let the resolution be reported.

The Clerk read the resolution, as follows:

House joint resolution 359.

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan, in his discretion, to the American Legion Post No. 73, of Vincennes, Ind., 1,000 cots to be used at the State encampment of the American Legion to be held in the city of Vincennes, Ind., on June 28 and 29: Provided, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to the commander of said American Legion post, at such time as may be agreed upon by the Secretary of War and the commander of said post: Provided further, That the Secretary of War, before delivering said equipment, shall take from the commander of said post a good and sufficient security for the safe return of said property in good order and condition, and the whole to be without expense to the United States Government.

With the following committee amendment:

Page 1, line 5, strike out the word "one" and insert "two."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GARD. Mr. Speaker, reserving the right to object, is this another resolution for another encampment in Indiana?

Mr. BLAND of Indiana. I am fortunate to have two State encampments of soldier organizations, one the old soldiers of the Civil War and the other the American Legion. This is for the American Legion. The House was kind enough to grant cots for the old soldiers a few days ago.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The joint resolution was again reported.

The committee amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BLAND of Indiana, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent of the House that the House conferees on the naval appropriation bill may have the privilege of changing some totals. We find that the totals passed here by the House were agreed to by the Senate, but the Senate had added in the paragraphs a number of items which make it absolutely necessary to change the totals, and we do not have the authority without the permission of the House. It is only a matter of calculation, I will say.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to change certain totals. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, that will not accomplish what the gentleman seeks, simply authorizing the House conferees to change totals. If the gentleman will get the consent of the House that the House conferees may agree in conference to change the totals—

Mr. BUTLER. I am perfectly willing to put it as the gentleman suggests.

Mr. WALSH. Then he can correct the bill.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, the matter is in conference, is it not?

Mr. BUTLER. It is in conference, and the totals must be changed for the reason that the totals—

Mr. GARD. Have not the conferees the authority to make the change?

Mr. BUTLER. No—

Mr. WALSH. The totals are not in conference.

Mr. BUTLER. Because the House and Senate have agreed upon the totals.

Mr. GARD. The controlling appropriation will be the individual appropriation anyhow, and the amount of the total would be a matter of addition, it seems to me.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules which the Clerk will report.

The Clerk read as follows:

House resolution 532.

Resolved, That immediately upon the adoption of this resolution it shall be in order to consider in the House the bill (H. R. 13931), being a bill to authorize associations of producers of agricultural products. That the bill shall have a privileged status until the conclusion of its consideration. Upon the consideration of the bill there may not be to exceed two hours of general debate, which shall be confined to the bill.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to change the time allowed for general debate to 30 minutes.

The SPEAKER. Is there objection?

Mr. IGOE and Mr. WALSH. Mr. Speaker, I object.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, the rule simply provides that the House take up this bill and consider it. Immediately upon the adoption of this resolution, the House will proceed to consider this bill and conclude its consideration before adjournment.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. WALSH. Do I understand the gentleman to say it is expected that the bill will be considered and passed to-night before adjournment?

Mr. CAMPBELL of Kansas. That is the intention.

Mr. WALSH. Without any intervening recess or anything of the sort?

Mr. CAMPBELL of Kansas. The intention is to run until the bill is concluded.

Mr. WALSH. Will the gentleman have any objection, in his time, to having the bill read so we may know what it is?

Mr. CAMPBELL of Kansas. No; I have no objection.

Mr. WALSH. Mr. Speaker, I ask that the bill upon which this rule operates may be reported. The gentleman from Kansas says he has no objection.

Mr. CAMPBELL of Kansas. I have no objection.

The SPEAKER. Is there objection to unanimous consent to having the bill reported? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13931) to authorize association of producers of agricultural products.

Be it enacted, etc., That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise, with

or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of their members; and such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or.

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

SEC. 2. That if the Secretary of Agriculture shall have reason to believe that any such association restrains trade or lessens competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from so restraining trade or lessening competition in such article. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be reduced to writing and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association restrains trade or lessens competition to such an extent that the price of any agricultural product is, or is about to become, unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist therefrom. If such association fails or neglects for 30 days to obey such order, the Secretary of Agriculture shall file in the district court in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to affirm, set aside, or modify said order, and may make rules as to pleadings and proceedings to be had in considering such order.

The facts found by the Secretary of Agriculture and recited as set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review the district court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may upon conclusion of its hearing enforce such order by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, and such service shall be binding upon such association, the officers, and members thereof.

Mr. CAMPBELL of Kansas. Mr. Speaker, the language of the bill is explanatory of its purpose—

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I think it more important that the bill should pass than that I should discuss bringing in a rule for its consideration.

Mr. WALSH. Will the gentleman state how the time for the consideration of this bill is to be controlled?

Mr. CAMPBELL of Kansas. One-half by those favoring and one-half by those opposing the measure. That is stated in the rule; that is, according to my recollection.

The SPEAKER. The Chair will follow that course.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the rule.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided; and there were—ayes 147, noes 19.

Mr. WALSH. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts makes the point of no quorum. Evidently there is no quorum present. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absent Members. As many as are in favor of agreeing to the rule will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 262, nays 44, answered "present" 1, not voting 120, as follows:

YEAS—262.

Ackerman	Bland, Va.	Caraway	Davis, Minn.
Almon	Blanton	Carss	Davis, Tenn.
Anderson	Boies	Casey	Dempsey
Andrews, Md.	Bowers	Chindblom	Denison
Ashbrook	Brand	Christopherson	Dickinson, Iowa
Aswell	Briggs	Clark, Mo.	Dickinson, Mo.
Ayres	Brooks, Ill.	Classon	Dominick
Baer	Brooks, Pa.	Coady	Doughton
Bankhead	Browne	Collier	Dowell
Barbour	Burdick	Connally	Dunbar
Barkley	Butler	Cooper	Dupré
Bee	Byrnes, S. C.	Copley	Dyer
Begg	Byrns, Tenn.	Cramton	Elliott
Bell	Campbell, Kans.	Crowther	Emerson
Benham	Campbell, Pa.	Currie, Mich.	Esch
Bland, Ind.	Candler	Darrow	Evans, Nebr.
	Cannon	Davey	Fairfield

Ferris	Juul	Morgan	Sinnott
Fess	Kahn	Mott	Sisson
Fields	Kearns	Mudd	Slemp
Fisher	Kendall	Murphy	Smith, Ill.
Flood	Kennedy, R. I.	Neely	Smith, Mich.
Focht	Kincheloe	Nelson, Mo.	Steagall
Fordney	King	Nelson, Wis.	Steenerson
Foster	Kinkaid	Newton, Minn.	Stephens, Ohio
Freeman	Klecza	Nicholls	Strong, Kans.
French	Knutson	Nolan	Strong, Pa.
Fuller, Ill.	Kraus	Ogden	Summers, Wash.
Gandy	Lampert	Oldfield	Summers, Tex.
Garland	Langley	Oliver	Sweet
Garrett	Lanham	Osborne	Swope
Glynn	Larsen	Overstreet	Taylor, Colo.
Goodwin, Ark.	Layton	Padgett	Taylor, Tenn.
Graham, Ill.	Lazaro	Park	Temple
Green, Iowa	Lea, Calif.	Parker	Thomas
Greene, Mass.	Lee, Ga.	Parrish	Thompson
Greene, Vt.	Little	Porter	Tilson
Hadley	Loneragan	Purnell	Timberlake
Hardy, Colo.	Longworth	Quin	Tincher
Harrell	Luce	Radcliffe	Treadway
Harrison	Luhning	Rainey, H. T.	Upshaw
Haugen	McArthur	Raker	Vestal
Hawley	McClintic	Ramsey	Volstead
Hays	McDuffie	Ramseyer	Watson
Hedlin	McFadden	Randall, Calif.	Weaver
Hersman	McKenzie	Randall, Wis.	Webster
Hickey	McKeown	Rayburn	Welling
Hicks	McKinley	Reber	Welty
Hill	McLane	Reed, N. Y.	Whaley
Hoch	McLaughlin, Mich.	Reed, W. Va.	Wheeler
Hoey	McLaughlin, Nebr.	Ricketts	White, Kans.
Holland	MacGregor	Robison, Ky.	White, Me.
Howard	Madden	Rodenberg	Wilson, Ill.
Huddleston	Major	Romjue	Wilson, Pa.
Hudspeth	Mann, S. C.	Rose	Wingo
Hull, Iowa	Mapes	Rouse	Winslow
Hull, Tenn.	Martin	Rowe	Wise
Husted	Mead	Rubey	Woods, Va.
Hutchinson	Michener	Sanders, Ind.	Wright
Ireland	Miller	Sanders, La.	Yates
Jacoway	Milligan	Schall	Young, Tex.
James	Monahan, Wis.	Scott	Zihman
Jeffers	Mondell	Sells	
Johnson, Ky.	Moon	Siegel	
Johnson, Wash.	Moore, Ohio	Sinclair	
Jones, Tex.	Moore, Va.		

NAYS—44.

Babka	Gallagher	McGlennon	Rainey, J. W.
Benson	Gallivan	McKiniry	Rogers
Box	Ganly	MacCrate	Sabath
Caldwell	Garner	Maher	Smith, N. Y.
Carew	Goldfogle	Minahan, N. J.	Stevenson
Cullen	Griffin	Mooney	Stoll
Dallinger	Humphreys	Moore, Ind.	Tague
Donovan	Igoe	Newton, Mo.	Tinkham
Dooling	Johnston, N. Y.	O'Connell	Vare
Eagan	Lufkin	Pell	Venable
Eagle	McAndrews	Phelan	Walsh

ANSWERED "PRESENT"—1.

Crabo

NOT VOTING—120.

Anthony	Elston	Kless	Sanders, N. Y.
Bacharach	Evans, Mont.	Kitchin	Sanford
Black	Evans, Nev.	Kreider	Scully
Blackmon	Frear	Lankford	Sears
Bland, Mo.	Fuller, Mass.	Lehibach	Sherwood
Booher	Gard	Leshner	Shreve
Brinson	Godwin, N. C.	Linthicum	Sims
Britten	Good	McCulloch	Small
Brumbaugh	Goodall	McPherson	Smith, Idaho
Buchanan	Goodykoontz	Magee	Smithwick
Burke	Gould	Mann, Ill.	Snell
Burrroughs	Graham, Pa.	Mansfield	Snyder
Cantrill	Griest	Mason	Stedman
Carter	Hamill	Mays	Steele
Clark, Fla.	Hamilton	Merritt	Stephens, Miss.
Cleary	Hardy, Tex.	Montague	Stiness
Cole	Hastings	Morin	Sullivan
Costello	Hayden	O'Connor	Taylor, Ark.
Crisp	Hernandez	Olney	Tillman
Dale	Hersey	Paige	Towner
Curry, Calif.	Houghton	Peters	Vaile
Dent	Hullings	Platt	Vinson
Dewalt	Johnson, Miss.	Pou	Walters
Doremus	Johnson, S. Dak.	Rainey, Ala.	Ward
Drane	Jones, Pa.	Reavis	Watkins
Drewry	Keller	Rhodes	Williams
Dunn	Kelley, Mich.	Riddick	Wilson, La.
Echols	Kelly, Pa.	Riordan	Wood, Ind.
Edmonds	Kennedy, Iowa	Rowan	Woodyard
Ellsworth	Kettner	Rucker	Young, N. Dak.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANTHONY with Mr. DENT.

Mr. TOWNER with Mr. POW.

Mr. GOOD with Mr. TAYLOR of Arkansas.

Mr. WILLIAMS with Mr. RIORDAN.

Mr. HAMILTON with Mr. LESHER.

Mr. ECHOLS with Mr. BLAND of Missouri.

Mr. BACHARACH with Mr. O'CONNOR of Louisiana.

Mr. BURROUGHS with Mr. DREWRY.

Mr. GRIEST with Mr. BLACK.

Mr. MAGEE with Mr. SHERWOOD.

Mr. RIDDICK with Mr. VINSON.

Mr. PAIGE with Mr. WATKINS.

Mr. JOHNSON of South Dakota with Mr. JOHNSON of Mississippi.

Mr. WARD with Mr. EVANS of Montana.

Mr. DUNN with Mr. BUCHANAN.

Mr. MANN of Illinois with Mr. HARDY of Texas.

Mr. LEHLBACH with Mr. CLEARY.

Mr. PETERS with Mr. RUCKER.

Mr. PLATT with Mr. RAINY of Alabama.

Mr. SMITH of Idaho with Mr. LINTHICUM.

Mr. SANFORD with Mr. HAMILL.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. Two hours of debate are allowed. The Chair thinks it will be most satisfactory to the House if the Chair recognizes the gentleman from Minnesota [Mr. VOLSTEAD] for one hour in favor of the bill and the gentleman from Missouri [Mr. IGOE] for the other hour against. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13931) to authorize association of producers of agricultural products.

Be it enacted, etc., That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of their members; and such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, *or*.

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per cent per annum.

Sec. 2. That if the Secretary of Agriculture shall have reason to believe that any such association restrains trade or lessens competition to such an extent that the price of any agricultural products is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from so restraining trade or lessening competition in such article. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be reduced to writing and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association restrains trade or lessens competition to such an extent that the price of any agricultural product is, or is about to become, unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist therefrom. If such association fails or neglects for 30 days to obey such order, the Secretary of Agriculture shall file in the district court in which such association has its principal place of business a certified copy of the order and of all the records in the proceedings, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to affirm, set aside, or modify said order, and may make rules as to pleadings and proceedings to be had in considering such order.

The facts found by the Secretary of Agriculture and recited as set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review the district court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce such order by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, and such service shall be binding upon such association, the officers, and members thereof.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER. The gentleman from Oklahoma is recognized for five minutes.

Mr. MORGAN. Mr. Speaker, the bill we have under consideration is H. R. 13931, by the gentleman from Minnesota [Mr. VOLSTEAD], the chairman of the Judiciary Committee of the House. It is entitled "A bill to authorize association of producers of agricultural products." The chief provision in said bill is as follows:

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce such products of their members; and such producers may organize and operate such associations and make the necessary contracts and agreements to effect that purpose, any law to the contrary notwithstanding.

This bill was introduced and has been reported as a substitute for the bill widely known as the Capper-Hersman bill.

This bill is designed to accomplish two chief purposes. The first object to be accomplished is to make it clear that farmers may organize into associations or corporations for the purpose of collectively marketing their products. The second object of this legislation is to encourage farmers to organize such associations or corporations. As the law stands now, there is some question as to whether such associations or corporations are legal under the national antitrust laws.

The practical effect of this is to deter and discourage farmers in forming associations or corporations for the purpose of collectively marketing their products. This bill has been reported with the idea that the organization of farmers in what are known as cooperative associations for the purpose of collectively marketing their products and buying their supplies will be beneficial not only to the farmers but to the public generally. It is not class legislation as that term is generally understood. While the legislation is designed to promote agricultural prosperity, to increase the profits of the farm, and to give the farmers a larger proportion of the wealth they produce, it is likewise designed to give the ultimate consumers substantial benefits coming from reduction in the cost of transportation, manufacturing, marketing, and distributing of the products of the farm, and also from the increased production which will come from better business methods in the farming industry.

THE EXISTING LAW.

To understand the demand for the legislation proposed in this bill, it is well to get in our minds the Federal law as it now exists. Fundamentally the so-called antitrust laws of the Federal Government are found in the act approved July 2, 1890, known as the Sherman Antitrust Act. Thirty years have elapsed since the enactment of this law. It still stands as the basis of our Federal laws against trusts, conspiracies, combinations, and monopolies in the restraint of trade among the several States or with foreign nations. There are two chief provisions in the Sherman antitrust law. They are as follows:

(1) Every contract, combination, in form of trust or otherwise, or conspiracy, in the restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor.

(2) Every person who shall monopolize or attempt to monopolize, or combine, or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor.

CLAYTON ANTITRUST ACT.

The chief addition to the Sherman antitrust law appears in what is known as the Clayton Antitrust Act, approved October 15, 1914. There is one provision in this act which should be considered in connection with the legislation proposed in this bill. The provision referred to is found in section 6 of the so-called Clayton Antitrust Act, and is as follows:

Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purpose of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

The above provision excludes from the penalties of the antitrust laws only agricultural organizations "not having capital stock or conducted for profit." This seems to convey the idea that Congress intended that all agricultural organizations which either have capital stock or are conducted for profit are subject to the provisions of the antitrust laws.

The Sherman antitrust law was never intended to apply to cooperative farmers' organizations. It was enacted to prevent combinations, conspiracies, and trusts among the commercial, manufacturing, mercantile, and transportation corporations. But the provision in the Clayton Antitrust Act to which I have referred has raised the question as to whether or not associations of farmers engaged in collectively marketing their products are illegal under the Federal antitrust laws. The object of the bill under consideration is to make it clear that persons engaging in the production of agricultural products may form corporations or associations, either with or without capital stock, and may engage in collectively marketing their products. In other words, Congress desires to encourage farmers in forming cooperative business organizations and to use such organizations as a means of promoting agricultural prosperity and adding to the profits of the business of farming.

The provisions of section 1 of the bill under consideration, as I have quoted it, does not in any way directly refer to section 6 of the so-called Clayton Antitrust Act approved October 15, 1914. It does not by direct terms amend section 6 of the Clayton Antitrust Act. In effect it does, however, amend section 6 of the Clayton Antitrust Act by making a broader and more comprehensive declaration as to the kind and character of cooperative farm organizations which shall not be prohibited by the provisions of any of the antitrust laws.

HISTORY OF SECTION 6 OF THE CLAYTON ANTITRUST ACT.

Mr. Speaker, I was a member of the Judiciary Committee of the House in 1914 when the so-called Clayton Antitrust Act was reported to the House. While the bill was under consideration I pointed out to the committee that the provisions of section 6 of the Clayton Antitrust Act were not broad enough to include cooperative farm organizations, and especially not sufficiently comprehensive to encourage cooperative farm organizations organized for the purpose of encouraging collective bargaining in the purchase of supplies and in the sale of farm products. In the hope to amend this bill I prepared a minority report as a member of the Judiciary Committee and submitted it with the majority report on the subject. In this minority report, made six years ago, I used the following language:

The law not only should not prohibit but should encourage farmers to organize with a view to purchasing implements, machinery, and other farm supplies at less cost and with the view to collective bargaining in the sale of their products and in the purchase of supplies. In France, Germany, and other European countries farmers' organizations are authorized by law. The line along which these organizations can act is definitely defined. Government aid, direction, and assistance is given. Such organizations are encouraged to engage in a wide field of purely business transactions. These organizations have contributed immensely to the expansion of the agricultural interests of these countries. It would be exceedingly unfortunate at this time, when we are about to enter upon the important task of providing our farmers with better credit facilities, to enact a law which may be construed to make all farmers' organizations unlawful except such as are organized for mutual benefit of members along literary, insurance, and social lines.

Practically every other business is highly organized but the business of farming. There are about 6,500,000 farmers. Something like 12,000,000 persons over 10 years of age toil on the farm. The farmers are at a great disadvantage. Labor is organized. Business is organized. Concentration, combination, cooperation everywhere except among the farmers. With the most intelligent farmers of the world, in business cooperation our farmers are far behind the less intelligent farmers of other countries. To aid our farmers in the line of greater cooperation has now become a national duty, and it would be hardly short of a public calamity to enact a statute which on its face restricts and limits to a narrow sphere the purposes for which agricultural associations may be formed.

DISCUSSION IN THE HOUSE.

As shown by the CONGRESSIONAL RECORD of June 1, 1914, when this bill was being considered in the House, I took part in the discussion. Among other things, I said:

My objection to section 7—

Now section 6 of the Clayton Antitrust Act—

as it has been amended is that under it only farmers' organizations without capital stock and not conducted for profit would be legal under this section. In other words, it exempts from antitrust laws only farmers' organizations organized for mutual help along social, literary, and educational lines. There has been no attempt to dissolve such farmers' organizations, so that the provisions of section 7 really give the farmers nothing. While we are considering this question we should in plain language give the farmers the right to organize, even with capital stock or for profit, so long as the organizations are along legitimate lines, to aid them in marketing their products as cheaply as possible and in purchasing their supplies as cheaply as possible.

I believe that the National Government ought not only to permit farmers to organize, but that the National Government should make appropriation to encourage the farmers to organize.

Mr. Speaker, the above views, expressed by me six years ago as a member of the Judiciary Committee in a minority report and as a Representative on the floor of this House when the Clayton antitrust law was being considered, show that I am no recent convert to the principles and policies which constitute the basis of the proposed legislation. So I stand to-day for this legislation. The National Government should not only permit farmers' cooperative organizations but should encourage them by both legislation and appropriations. Above all, there should be no uncertainty as to what the law is on the subject. I believe now, as I believed six years ago, that through cooperative business organizations farmers will get better prices for their products and pay less for the supplies they purchase and thus add largely to their net profits. Cooperative farmers' organizations will bring producers and consumers closer together. The excessive charges of unnecessary middlemen will be eliminated, and the cost of marketing, manufacturing, and distributing farm products will be greatly reduced. The producers and consumers will share equitably in the profits derived from cooperative business organizations among farmers. Prices will be stabilized, production will be more uniform and larger in the aggregate, the supply of food products will increase in propor-

tion to the demand, speculation, gambling, and profiteering in food products will be curtailed, controlled, and in a large measure prevented, and as a result the farmers will be more prosperous, the cost of living will be reduced, and the general public welfare will be benefited.

This bill has the indorsement generally of the farmers of the United States. The great farm organizations of the country have indorsed it. Among these may be mentioned the National Grange, the American Farm Bureau Federation, the National Board of Farm Organizations, the Farmers' Educational and Cooperative Union of America, the Society of Equity, and the International Farm Congress. The editors of the great agricultural papers of the United States have indorsed this kind of legislation. The leading writers, thinkers, and students of agricultural problems approve cooperative business methods among farmers. Men at the head of the great agricultural colleges and the instructors in such institutions generally recognize that larger cooperation among the farmers in selling their products and in purchasing their supplies will be beneficial not only to the farmers but to the public generally. Experience in other countries has shown that cooperation among farmers in buying their supplies and in selling their products has been an immense factor in promoting the growth of agriculture, the prosperity of the farmers in increasing food production, and in adding to the general prosperity of the various European nations. For years these nations, as a rule, have been encouraging these organizations. The time has come when the National Government and the various State governments in the United States should give greater encouragement along this same line to the farmers of the United States. We can safely do this in the interest of the farmers alone. Never before was there a time in our history when there was greater need to encourage the development of our agricultural interests. Our population is rapidly increasing. The demand for food products grows annually by leaps and bounds. We may safely encourage any system that will bring the producers and consumers in closer contact; that will provide a more efficient and more economical system of marketing, manufacturing, transporting, and distributing the products of the farm. The so-called middlemen can not, of course, all be eliminated, but all unnecessary middlemen should be eliminated. The so-called middlemen should not be in a position to demand excessive profits. Our system of marketing should be such as will give to the farmers the greatest possible proportion of the wealth they produce.

A BETTER DAY COMING.

There has perhaps never been a time in our history when the farmers themselves were taking so much interest in the subject of better business methods. Cooperative farm marketing organizations are more numerous in this country to-day than ever before. Wherever they have been tried as a rule they have been successful. During the present year a very important new organization of farmers has been formed. It is the National Wheat Growers' Association. The wheat growers of Oklahoma, Texas, and Kansas have been leaders in perfecting this organization. They have formed local organizations, State organizations, and the national organization. Many thousands of wheat growers in the eighth congressional district of Oklahoma, which I have the honor to represent, are members of this new organization. Primarily, these wheat growers organize for their own protection. Rightfully do they believe that they should have something to say about the prices they receive for their wheat. Unquestionably, they are entitled to receive a price for their wheat that will cover the cost of production and that will provide a reasonable profit. There was never before a time in the history of this country when the cost of producing wheat was so great as it is to-day. The price of wheat must advance in proportion as the cost of its production increases. The cotton farmers of the United States are also engaged in perfecting an organization.

The corn growers and the producers of the other great staple farm products may well organize. The object of all these organizations will not be to exact from the consumers excessive or extortionate prices. But through organization the groups of farmers engaged in producing the great staple farm products will each develop its own industry. After all, agriculture is just like any other business. It must be profitable to make it popular. We can not hold American citizens on the farm unless the farm offers inducements which compare favorably with what other occupations offer.

In conclusion, I will state that this bill should be enacted into law. It should be made clear beyond question that farmers have a right to form business organizations for the purpose of selling their products. The farmers should be organized for the purpose of making their business profitable, for the purpose of pro-

moting the expansion of the great fundamental industry of agriculture, and for the purpose of making their influence felt in the public affairs of the community, the county, the State, and the Nation.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Nebraska [Mr. EVANS].

The SPEAKER. The gentleman from Nebraska is recognized for two minutes.

Mr. EVANS of Nebraska. Mr. Speaker, I ask unanimous consent to revise and extend my remarks; also, to include in the extension tables of prices of commodities, both purchased by and sold by the farmers; also, an editorial from the Wallace Farmer.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks and to insert a table and an editorial. Is there objection?

Mr. WALSH. I object to the editorial. I will be glad to have the table inserted.

Mr. EVANS of Nebraska. It is an editorial on this question.

Mr. WALSH. I object to the editorial. I have no objection to the other matter being inserted.

The SPEAKER. The gentleman from Massachusetts objects to the editorial.

Mr. EVANS of Nebraska. Then I ask unanimous consent to insert the other matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. EVANS of Nebraska. Mr. Speaker and gentlemen of the House, the purpose of this bill, H. R. 13931, is to permit the persons engaged in agricultural pursuits to market their products collectively. With this purpose I am in hearty accord. The bill contains provisions that admit of improvement and which I hope to see corrected and clarified.

The conditions surrounding those engaged in agriculture are such that the percentage of persons engaged in it is decreasing. That country which does not care for and keep a strong, virile rural population is decadent.

If the United States continues in its present course it is certainly in its decline. Its timber is well-nigh exhausted. Its coal mining has reached the point that a large number is not needed to measure the years preceding its exhaustion. Its gas and oil are being depleted still more rapidly, and what should alarm all is the shrinkage of rural population, and the reason therefor merits earnest and thorough investigation and thoughtful consideration. More than all, we are in effect wasting our rural manhood. There is between 12 and 33 per cent less labor on the farms now than in 1914, 37 per cent more in the automobile industry, and not more than one-half of the latter that is actually producing essentials. In addition, the auto causes a waste of the time of one-half of those that ride. What I am attempting to say is that we are depleting our agricultural population by driving it into other lines of industry, much of which is not production of real wealth—of essentials.

The city sends its agents to the farm to take from the farm by means of high wages and other allurements its efficient labor and is making idlers out of those of its own workers who ought to be continued as efficient workers. We are taking the young man from the farm where he has been a laborer for from 10 to 14 hours per day and placing him in the city where he labors from 5 to 8 hours per day under conditions such that, hour against hour, his labor on the farm was more efficient than his labor in the city.

We ought to carefully and thoughtfully consider the cause of this change. It will be suggested that the cause is apparent in the changed conditions set forth above. However, there have always been men found who for an increased remuneration will assume the heavier burdens and travel the rougher road. If we will but submit the problem to a closer scrutiny we will find the correct answer.

In what I shall say I am not intending to criticize or condemn that which the different organizations have done or are doing, but I am intending to demonstrate that the course pursued by other organizations ought to be permitted to agriculture, and that if you require it to fight in a battle so unequal as this now is the result will be a complete breakdown of our agricultural structure, and with it of the country.

Of the original primary food-producing occupations, hunting, fishing, and agriculture, hunting has ceased to be an occupation, and is but a sport, and the same is true of fishing, excepting as to those species found in the sea or deeper waters; and as a general proposition agriculture must furnish that which we eat and largely that which we wear.

Not only is agriculture so important with reference to food and clothing, but it is to its regions we look as the principal source of supply from which come the men that fill our governmental positions—the professions, business occupations, mechanical experts, and other important vocations. If this statement is correct—and a census of those occupying the above positions will confirm it—our manhood, our food, and clothing depend almost entirely upon the farm, and its preservation in such condition and with such environment as will enable it to best perform its functions is of vital importance and necessary to our existence as a great Nation.

Recognizing the decrease in our agricultural population as a fact, it is necessary to determine its cause. Many have declared that the "white lights," "movies," and other entertainments more or less commendable constitute the lodestone that draws the inhabitants from the rural districts. That such amusements and the environments of city life are potent is recognized, but, as I have said, there have always been and always will be men and women found willing, when offered sufficient remuneration, to perform all necessary and proper tasks; so that, while the condition of the city life, as contrasted with country life, may be considered as influential, it is not sufficient to account for the trend from the country to the city.

I repeat that what I am about to say is not said in criticism of the organizations to which I refer, but rather in support of this bill by way of analogy.

Take the bankers' association; in all its investigations it is not sought how they may lower the interest or discount rates to the borrower, but how they can best increase that rate or lower the cost to themselves and discover how the cost of a certain service may be passed to another interest. By reason of these investigations and the organization, banking is made more profitable. Banks pay now when serving a population where a few years ago they could not have existed. A part of the expense of running that bank is passed on to some other interest. The point is, a very much smaller number of persons with a much smaller amount of business in a community now support a bank than formerly could have done so, and the cost, of necessity, is passed on, as the bank is not a philanthropic project.

The merchants in like manner have, through improved methods, passed on certain of their expense charges, so that they have increased their profits. The banker has not lowered his rate of interest, neither banker nor merchant has absorbed his expense, and the increased profits of these two persons are kept at home, but no additional expense charge finds lodgment in the home of either, reducing his profit.

Take labor next. Labor in the past six years has, by its increase in wage in nearly every industry, covered at least the increase in the cost of living and at the same time reduced the hours of labor at least 20 per cent. It follows, of course, that the additional labor cost was passed on to some other than the laborer. In other words, the financial condition of the laborer in 1920 is no worse than in 1914, and his hours of work and working conditions are considerably better, but the products of the same number of men working the same number of days under the same conditions do not produce as many units of a particular kind as they did in 1914, there not being as many hours of labor, hence the conclusion that the added cost has been passed on.

It follows that during the past five years merchandising and financing have been making added profits and that these additional profits have been paid by some one other than the financier, the business man, or industrial. Income-tax reports furnish conclusive proof of this fact.

Investigations of farm organizations are along the following lines: How can the yield be increased in quantity and value—how secure a better kernel, more kernels to the head or ear, more ears to the stalk, more stalks on the ground, better quality of flesh or meat, more of the better cuts to the single animal, more pounds produced from a given amount of feed and by using as little high-priced feed as is consonant with quality and economic production. His organization has directed its efforts toward increasing production and improving quality.

I have not recalled these facts because I deemed them either unknown or forgotten, but that they be in mind as we come to place the large portion of the financial cost that is passed on. Bearing in mind that the financier, the merchant, the laborer, each and all, have pointed their efforts at some other entity or source of wealth for the increase that came to them or either of them, we may examine the prices of the commodities to determine just where this increase is loaded.

I have taken the prices of animals sold by farmers from one of the largest cities of the Central West, a recognized market, and the prices of shoes used I gathered from the same city.

Top beef steers for the years from 1913 to May 1, 1920, inclusive.

Months.	1920	1919	1918	1917	1916	1915	1914	1913
January.....	\$15.00	\$18.00	\$13.40	\$11.20	\$8.75	\$8.50	\$8.75	\$8.30
February.....	13.25	18.20	13.25	11.50	8.65	8.30	8.75	8.50
March.....	14.25	18.75	14.00	12.50	9.40	8.45	9.25	8.75
April.....	14.00	18.60	17.40	13.05	9.50	8.50	9.00	8.75
May.....	18.35	17.60	13.35	10.65	9.00	8.75	8.75	8.75
June.....	15.75	18.25	13.75	11.00	9.35	9.15	8.80	8.80
July.....	18.00	18.40	14.00	10.40	10.10	9.75	9.00	9.00
August.....	18.85	18.40	15.55	10.60	9.85	10.25	9.00	9.00
September.....	18.50	17.60	16.50	10.85	9.85	10.50	9.35	9.35
October.....	18.00	18.00	16.50	11.10	9.90	10.50	9.60	9.60
November.....	15.75	17.50	16.75	11.10	10.00	10.50	9.45	9.45
December.....	16.15	18.00	15.00	11.50	10.00	10.75	9.50	9.50
Year.....	18.85	18.40	16.75	11.50	10.10	10.75	9.60	9.60

Top feeding steers for years from 1913 to May 1, 1920, inclusive.

Months.	1920	1919	1918	1917	1916	1915	1914	1913
January.....	\$14.00	\$16.00	\$11.15	\$10.05	\$7.80	\$8.50	\$8.20	\$8.00
February.....	12.00	16.85	11.75	10.05	7.85	7.35	8.15	8.00
March.....	12.25	16.65	12.25	10.75	8.65	7.60	8.25	8.40
April.....	11.50	16.50	13.25	10.25	9.00	8.25	8.25	8.35
May.....	14.50	13.65	11.25	9.00	8.15	8.05	8.00	8.00
June.....	12.30	13.00	10.50	8.50	8.15	8.00	8.50	8.50
July.....	15.00	13.60	10.25	8.50	8.60	8.35	7.90	7.90
August.....	14.50	16.00	11.50	8.45	8.55	8.30	8.00	8.00
September.....	14.15	16.50	14.50	8.40	8.65	8.85	8.30	8.30
October.....	14.00	14.25	14.25	9.00	8.60	8.75	8.55	8.55
November.....	13.60	15.00	13.00	8.25	8.10	7.75	7.85	7.85
December.....	13.00	15.25	11.00	9.25	7.75	8.50	7.75	7.75
Year.....	16.85	16.50	14.50	9.25	8.65	8.85	8.55	8.55

Top cows and heifers for years from 1913 to May 1, 1920, inclusive.

Months.	1920	1919	1918	1917	1916	1915	1914	1913
January.....	\$12.00	\$14.00	\$11.50	\$9.00	\$7.10	\$7.00	\$7.60	\$7.10
February.....	11.25	14.00	11.25	9.60	7.60	7.00	8.20	7.60
March.....	12.25	15.00	12.00	10.25	8.45	7.25	8.00	8.15
April.....	12.75	15.25	13.50	10.85	8.40	7.63	8.60	8.20
May.....	14.10	14.10	14.25	11.35	9.00	7.83	8.60	7.80
June.....	12.25	13.50	12.25	10.00	9.00	8.50	8.50	8.50
July.....	14.25	13.50	12.65	9.75	7.75	9.00	8.50	8.50
August.....	13.00	12.10	9.85	7.50	8.60	9.60	8.10	8.10
September.....	11.50	12.05	10.00	7.25	7.35	7.25	7.25	7.25
October.....	11.25	12.50	9.35	7.75	7.40	7.75	7.25	7.25
November.....	12.00	12.00	12.00	9.75	6.75	8.10	7.35	7.35
December.....	13.15	13.50	15.00	8.60	8.00	8.35	7.75	7.75
Year.....	15.25	14.25	15.00	10.00	9.00	9.60	8.50	8.50

Top corn-fed steers for years from 1913 to May 1, 1920, inclusive.

Months.	1920	1919	1918	1917	1916	1915	1914	1913
1.....	\$13.60	\$18.10	\$14.10	.....	.....	\$7.75	\$8.60	\$8.45
2.....	13.75	17.45	14.30	\$12.50	(1)	7.25	8.35	8.40
3.....	13.50	17.50	14.35	12.60	\$8.75	.....	8.40	8.65
4.....	(2)	17.50	14.50	12.80	8.75	(1)	.....	8.65
5.....	14.00	.....	15.00	12.50	9.30	8.00	(1)	.....
6.....	13.75	(1)	14.85	12.45	9.30	7.90	8.75	(1)
7.....	13.90	18.60	(1)	.....	9.35	8.00	8.60	8.55
8.....	13.60	17.25	15.25	(1)	.....	8.25	8.75	8.50
9.....	.....	17.00	15.50	12.85	(1)	8.35	8.75	8.75
10.....	(2)	15.60	16.00	12.75	9.25	(1)	.....	8.40
11.....	13.00	.....	16.05	13.00	9.30	8.00	(1)	.....
12.....	12.85	(1)	16.00	12.50	9.40	8.25	8.35	(1)
13.....	14.00	18.00	(1)	.....	9.50	8.25	8.75	8.60
14.....	13.75	16.75	16.50	(1)	.....	8.15	8.85	8.55
15.....	13.85	16.50	16.75	12.85	(1)	8.20	8.75	8.50
16.....	13.00	17.00	17.00	13.00	9.30	.....	8.55	8.35
17.....	13.00	.....	17.00	12.80	9.35	(1)	.....	.....
18.....	(2)	16.35	17.00	12.50	9.50	8.30	(1)	.....
19.....	13.65	(1)	17.00	11.50	9.50	8.40	8.85	(1)
20.....	13.35	16.85	(1)	.....	9.15	8.20	8.75	8.55
21.....	13.00	17.50	17.00	(1)	.....	8.25	8.85	8.75
22.....	12.40	17.50	17.00	12.60	(1)	.....	8.80	8.65
23.....	11.40	17.35	17.05	13.00	9.50	.....	8.65	8.45
24.....	(1)	17.25	17.00	12.70	9.35	(1)	.....	8.10
25.....	12.75	.....	17.10	12.85	9.35	8.20	(1)	.....
26.....	12.40	(1)	16.75	11.75	9.30	8.25	8.75	(1)
27.....	12.75	17.50	(1)	.....	.....	8.50	8.85	8.30
28.....	13.10	18.00	17.25	(1)	.....	8.45	9.00	8.35
29.....	12.90	16.50	17.40	12.85	(1)	.....	8.75	8.50

(1) Sunday.

(2) No full loads on sale.

Top hogs for the years from 1913 to May 1, 1920, inclusive.

Months.	1920	1919	1918	1917	1916	1915	1914	1913
January.....	\$15.45	\$17.65	\$16.75	\$11.70	\$7.80	\$7.35	\$8.45	\$7.45
February.....	15.15	17.75	17.30	13.30	8.55	6.95	8.60	8.25
March.....	15.55	19.50	17.35	15.05	9.65	6.82	8.70	8.95
April.....	15.50	20.85	17.45	16.20	9.00	7.50	8.72	9.05
May.....	20.80	20.80	17.50	16.20	9.90	7.60	8.40	8.65
June.....	21.10	16.85	15.75	9.80	7.60	8.32	8.67	8.67
July.....	22.85	18.85	15.65	10.00	7.65	8.95	9.15	9.15
August.....	22.75	19.65	19.60	10.85	7.60	9.35	8.65	8.65
September.....	19.25	20.40	19.45	11.10	8.15	8.90	8.75	8.75
October.....	16.65	19.40	19.50	10.15	8.60	8.25	8.55	8.55
November.....	15.35	18.15	17.90	10.15	7.35	8.05	7.85	7.85
December.....	14.75	17.70	17.50	10.35	6.65	7.25	7.80	7.80
Year.....	22.85	20.40	19.60	11.10	8.60	9.35	9.15	9.15

Daily sales of hogs.

	1920	1919	1918	1917	1916	1915	1914	1913
1.....	\$14.43	\$19.42	\$16.70	(1)	\$9.28	\$6.60	\$8.38	\$8.85
2.....	14.67	19.65	16.76	\$14.70	(1)	6.65	8.45	8.83
3.....	14.26	19.65	16.95	14.74	9.38	6.70	8.81	8.55
4.....	(1)	19.66	16.80	14.92	9.32	(1)	8.53	8.71
5.....	14.29	19.69	16.48	15.24	9.24	6.66	(1)	8.74
6.....	14.45	(1)	16.50	15.50	9.25	6.58	8.47	(1)
7.....	14.07	19.81	(1)	15.58	9.26	6.56	8.42	8.79
8.....	13.60	19.90	16.59	(1)	9.30	6.65	8.47	8.85
9.....	12.28	20.07	16.76	15.84	(1)	6.76	8.50	8.84
10.....	13.02	20.14	17.11	16.05	9.15	6.85	8.51	8.81
11.....	(1)	20.24	17.02	15.85	9.16	(1)	8.57	8.91
12.....	14.16	20.25	16.85	15.80	9.28	6.98	(1)	8.91
13.....	14.05	(1)	17.13	15.79	9.44	7.03	8.62	(1)
14.....	14.05	20.22	(1)	15.77	9.50	6.98	8.65	8.93
15.....	14.12	20.36	17.06	(1)	9.49	7.07	8.58	8.76
16.....	14.39	20.41	16.89	15.64	(1)	7.19	8.48	8.65
17.....	14.63	20.24	17.27	15.57	9.40	7.26	8.47	8.69
18.....	(1)	20.08	16.84	15.34	9.35	(1)	8.50	8.79
19.....	14.77	20.03	17.10	15.31	9.31	7.33	(1)	8.78
20.....	14.47	(1)	17.13	15.35	9.32	7.41	8.46	(1)
21.....	14.44	20.08	(1)	15.34	9.35	7.33	8.30	8.74
22.....	13.98	20.34	16.90	(1)	9.40	7.28	8.22	8.64
23.....	13.68	20.42	16.85	15.14	(1)	7.33	8.33	8.48
24.....	13.97	20.49	16.70	15.23	9.51	7.37	8.40	8.52
25.....	(1)	20.39	16.71	15.15	9.63	(1)	8.34	8.59
26.....	14.16	20.43	16.82	15.28	9.57	7.24	(1)	8.53
27.....	14.44	(1)	16.91	15.38	9.54	7.20	8.37	(1)
28.....	13.99	20.32	(1)	15.37	9.60	7.29	8.29	8.81
29.....	14.02	20.18	17.08	(1)	9.70	7.35	8.17	8.19
30.....	14.30	20.08	17.01	15.31	(1)	7.41	8.18	8.26

(1) Sunday.

From April, 1914, to the same date 1920 beef steers (tops) increased in price from \$9 to \$14, an advance of \$5, or an increase of 56 per cent.

Between the same dates cows and heifers increased in price from \$8.40 to \$12.75, an advance of \$4.35, or an increase of 52 per cent.

Between the same dates feeding steers increased from \$8.25 to \$11.50, an advance of \$3.25, or an increase of about 40 per cent.

Between the same dates corn-fed steers increased in price from \$8.75 to \$12.90, an advance of \$4.15, or an increase of less than 48 per cent.

It will be noted that the difference between feeders and corn-fed beef at the latter date is only \$1.40, not a condition conducive to profitable feeding.

Between the same dates hogs increased in price from \$8.18 to \$14.30, an advance of \$6.12, or an increase of 75 per cent.

The foregoing prices are from the stockyards sales in the city alluded to above.

Between 1914 and December, 1918, hides advanced from 19¢ to 23 cents. (International Price Comparison.)

I follow with the price of shoes in the same city from which the cattle and hog prices came and covering the same period.

MAY, 1914.

Men's shoes:	
Hanan	\$6.50
Clapp	4.50
H. & F.	4.00
F. F. & H.	6.50
Women's shoes:	
Hanan	6.00
Cousins	5.00
Selby	4.00
Misses' shoes:	
Cramer	3.50
Melanson	3.00
Edwards	2.00
Boys' shoes:	
Alden	4.00
Cogan	2.50

MAY, 1915.

Men's shoes:	
Hanan	6.50
Clapp	6.50
H. & F.	4.50
F. F. & H.	4.00
Women's shoes:	
Hanan	6.50
Cousins	5.00
Selby	4.50
Misses' shoes:	
Cramer	3.50
Melanson	3.00
Edwards	2.00
Boys' shoes:	
Alden	4.00
Cogan	2.50

MAY, 1916.

Men's shoes:	
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Misses' shoes:	
Cramer	\$4.25
Melanson	3.50
Edwards	3.50
Boys' shoes:	
Alden	4.00
Cogan	3.00
Neenah	2.75
MAY, 1917.	
Men's shoes:	
Hanan	9.50
Clapp	9.50
H. & F.	6.50
F. F. & H.	4.50
Women's shoes:	
Hanan	9.50
Cousins	9.00
Selby	6.00
Misses' shoes:	
Cramer	6.00
Melanson	4.50
Edwards	3.50
Boys' shoes:	
Alden	4.50
Cogan	4.00
Neenah	3.50
MAY, 1918.	
Men's shoes:	
Hanan	10.50
Clapp	10.50
H. & F.	8.00
F. F. & H.	7.00
Women's shoes:	
Hanan	10.50
Cousins	10.00
Selby	7.00
Misses' shoes:	
Cramer	6.50
Melanson	5.50
Edwards	4.50
Boys' shoes:	
Alden	5.50
Cogan	4.50
Neenah	4.00
MAY, 1919.	
Men's shoes:	
Hanan	12.50
Clapp	12.50
H. & F.	9.50
F. F. & H.	9.00
Women's shoes:	
Hanan	12.50
Cousins	12.00
Selby	9.00
Misses' shoes:	
Cramer	Too high.
Melanson	6.50
Edwards	4.50
Boys' shoes:	
Alden	7.00
Cogan	5.75
Neenah	4.00
MAY, 1920.	
Men's shoes:	
Hanan	18.50
Clapp	18.50
H. & F.	14.00
F. F. & H.	10.00
Women's shoes:	
Hanan	18.50
Cousins	16.00
Selby	10.00
Misses' shoes:	
Melanson	8.00
Edwards	6.50
Boys' shoes:	
Alden	8.00
Cogan	6.50
Neenah	4.50

This is the schedule of prices from actual sales.

This schedule of prices shows an increase in the prices of men's shoes during the past six years of from 150 to 184 per cent, on women's shoes from 150 to 218 per cent, on misses' shoes from 166 to 225 per cent, and on boys' shoes from 100 to 160 per cent, the base of which the farmer produced and which he must buy back at these increased rates, with less than half that rate of increase in the price of his own products from which the hide was taken.

The items "Shoes" and "Leather findings" are not at all exceptional in this respect.

Pig iron was from 1914 to December, 1918—I do not have access to the reports for 1918 and 1920, but since 1918 the trend has not been downward—increased in price 149 per cent; steel billets increased 144 per cent. (The percentages of increases are taken from International Price Comparisons.)

The following rates of increase are taken from the Labor Review of February, 1920:

From 1914 to 1920 the increase on clothes and clothing is 235 per cent, on lumber 154 per cent, and on house furnishings 203 per cent.

In the same table the Labor Review notes an increase during the same period of 143 per cent on "Farm products." Of necessity this rate must have taken the retailers' price, hence the

profiteers' profit is included. Eggs have increased 166 per cent, potatoes 152 per cent, but lard, flour, and oatmeal, which have had an increase of between 120 and 133 per cent, have included therein the manufacturers' profit, as the steer, hog, wheat, and the corn are the farmers' product.

As shown by the statistics quoted by the gentleman from Kansas [Mr. Strong]—CONGRESSIONAL RECORD, page 7248—during 1919 wheat raising was not a profitable venture but a losing one in all parts of Kansas except in the western division, where the gain was but \$1.89 per acre. As Kansas is a wheat-growing State, it may be assumed as representing general conditions.

Sheep, because of the peculiar conditions created by the World War, did show an increase in price comparable with the commodities the farmer buys.

When the farmer hires his labor he is confronted with the same increase. In January, 1914, the wages of a farm hand ranged from \$25 to \$40 per month, with board and lodging, now the rate is \$80 to \$100, with a reduction of hours of labor and a decided reduction in efficiency and capability of the laborer. In 1914 a man and wife, with boarding and lodging or rent and usual concessions, received from \$40 to \$60, and now they receive from \$125 and up. There has been an increase of about 200 per cent in cost and a decrease in efficiency as to labor.

To summarize, the farmer is getting, on the average, less than 65 per cent of an advance upon the price he received for his product in that part of 1914. He is paying an average of 185 per cent of an increase on the price of 1914 for what he buys, including therein his clothing, improvements, implements, and labor.

His real estate has advanced at the rate the price of his product has advanced. The demand for his product has increased and his energy has been stimulated in almost every conceivable way. The call for production, more production, still greater production, is shouted by the Government agents, merchants, everybody, but no one desires or is even willing to pay a fair price. The eastern manufacturers, bankers, and merchants complain that the farmer does not pay enough income tax, ignoring the fact that he—the banker, the manufacturer, or the merchant—has already made the farmer pay the income tax of each of them and a profit on it in the increased profit they have taxed. The packer has increased the rate of his profit from 14.6 per cent in 1914 to 36.9 per cent in 1916-1918, and we can only guess where it is now. The tanners are in the same class.

From a study recently made upon the ground it was demonstrated that 160-acre farm in Iowa in 1918 made a net earning of \$4,570. Deducting 5½ per cent for use of the capital invested and the remainder is \$1,234. Estimating the value of the time employed by the farmer at labor on his farm at \$1,169, he was able to average \$65 more than the value of his time.

The farm products have fallen in value since 1918. Farm labor and supplies have risen in price during that time, so that the farmer in northern Iowa is unable to make \$1,234 per annum for his time or 5½ per cent on his money invested.

The effort of a mechanic or genius producing a useful and valuable invention secures by a patent an increased income to himself for such discovery or invention. In like manner by copyright does the author increase his stipend. The discoverer of a pleasing preparation or article by a trade-mark secures to himself the advantage to flow therefrom. Not so the farmer. He but passes on to the neighboring groups the benefits of his investigation and the resultant discoveries, and to-day, by reason of these conditions and these different courses of action, he finds his group being deserted by his own kind, who seek more remunerative employment, performed under more pleasant surroundings, with not nearly such arduous toil or such long hours. He discovers that every other group, industrial or commercial, is organized to fight; that though they may fight each other, in the end his group is the victim of all battles.

Give to the farmer pay at a rate commensurable with the ability required to conduct operations in his charge; pay him time and half time for all the time he works over eight hours per day; pay him double time for work on Sundays and holidays; pay his wife at the same rate for the work she performs outside her household duties; pay his children for their labor in the fields, barns, and garden; give him the same rate of interest on his investment that industrial plants charge or that he pays to the financier or that the merchant charges in the price he puts upon the goods he sells; do this and the price that farm products now bring will be multiplied at least five times; add to this the rule of division of labor as now applied to transportation or manufacturing, and you will again multiply by two. Should such conditions prevail on the farm the price now on farm products in the various markets

would be increased to a point where the trend of the farmer from the farm to the city would at least be checked.

Organizations created to elevate labor, if successful in increasing the wages, pass that advance on as increase in cost of production, of transportation, or merchandising.

The financier in his "overhead" "carries on" the charge he makes to the manufacturer or transporter or merchandiser or agency using his funds the increased increment coming to his capital. In like manner the transporter carries on the increased cost to the merchant, who in turn passes it to the consumer. If the consumer is anyone other than a farmer it is, as we have seen, again passed on by increased wages, profit, interest, or charge. Every organization in its final result is against the farmer, because he must pay a price which includes the cost and a profit for what he buys. He is the buffer between the contending forces, and his means is constantly wasted by their contentions.

Mr. Speaker and gentlemen, there is no question but that agriculture is the basic industry on which our society rests. It is likewise certain that every other industry, every other activity, merchandising or financial, is pointed against the farmer.

Who fixes the price for the farmer's product? Again the organization is turned against him and his interests. The commission merchant or retail dealer or the packer or the elevator man fixes for him the price he shall receive for his product. It is folly to suggest to the farmer with a carload of cattle on the market to "take them home" or to "haul back his load of wheat" or other commodity. Not only so, but if he spoke of so doing some philanthropist of sanctimonious caste will preach of the high cost of living and "helpless infants without milk" and at the same time shelter under these same special privileges men like themselves who are selling milk or other commodity at retail price and profit surely that of the conscienceless profiteer. More, these same complaining urbanites have used the courts to harass and prosecute the producer only to learn from their own tribunal that the fault was not with the producer but with the complainants. Even here in Congress some shout of the moral deterioration of those who raise food and who themselves are not willing to starve or at least deny themselves the comforts of a modest living.

If what I have said is correct, we would expect to find that the people engaged in agricultural pursuits are leaving and entering other and more remunerative callings, and that, as all know, is exactly what is occurring, even in such agricultural States as Iowa, Kansas, and Nebraska.

However, if there is by reason of improved methods something that makes the industry as profitable as it formerly was the conclusion suggested might be avoided, and to as far as possible make this certain I submit the following data as to the stock of various kinds on the farms of the United States:

Stock as reported on the first day of the years 1919 and 1920.

Animals.	1920	1919
Horses.....	21,109,000	21,482,000
Mules.....	4,995,000	4,954,000
Dairy cattle.....	23,747,000	23,475,000
Beef cattle.....	44,485,000	45,085,000
Sheep.....	48,615,000	48,866,000
Hogs.....	72,909,000	79,584,000

It will be noted that mules increased 41 and dairy cows 272 and that other animals have decreased; this, too, at a time when the war has closed and the extraordinary demand it created to a great extent curtailed.

I now call attention to the acres of cultivated crops, using 1920 data where available and otherwise 1919 and 1918.

Crops.

Crop.	1920	1919	1918
	Acres.	Acres.	Acres.
Winter wheat.....	31,165,000	49,905,000	37,130,000
Hay.....	71,752,000	72,034,000	71,120,000
Rye.....	5,470,000	7,063,000	6,391,000
Corn.....		102,075,000	104,467,000
Spring wheat.....		23,328,000	22,051,000
Oats.....		42,400,000	44,249,000
Potatoes.....		4,013,000	4,295,000

It will be noted that wheat and rye increased in 1919, undoubtedly due to the fact that the Government called upon the farmers in 1918 prior to the armistice for an unusual effort in the production of cereals. However, in those crops, so far as the 1920 figures are at hand, there has been a decrease at the time when there is still an unusual demand for foodstuffs.

Certainly these conditions are ominous. When the urban population can indulge in the extravagances of to-day, wasting their time by idleness and their earnings in luxuries while their rural neighbors call in vain for help to save an ever-decreasing product, we are not only warranted in applying a remedy quickly but we are justified in applying heroic treatment. The present bill, I fear, will not furnish sufficient stimulant to insure the necessary increase in production.

The foregoing are cogent reasons for a potent remedy to be quickly applied. I believe that the circumstances warrant an unlimited right in the producers of the crops to market the same collectively with their fellows for a price that will bring back to the farm those now leaving because of failure to make a living equal to or approaching that furnished others who work less hours per day, less efficiently, and under more desirable and pleasant conditions.

It is claimed by the opponents of this measure that unrestricted law of trade should apply to the farmer, and that because some other industry or interest has been given an undue advantage that such fact does not warrant the extension of such rights or similar rights to those who follow agriculture as means of a livelihood.

The weakness of this attack is found in the fact that everyone making it represents a district or a community the inhabitants of which are living and existing by reason of advantages obtained long since and adhered to and claimed as a right necessary to their existence. Under these so-called special privileges they have taken undue and improper advantage of the farmer, and the present bill is only placing the man who produces from the soil in such position that he may overcome to a slight extent the effect of the organized effort, combined with still other organized efforts directed against him.

Let it be borne in mind that the liberty sought in this bill for the man who tills the soil is not that which was evil of itself. When those who lived with the great aggregations of people by unjust combination and improper and oppressive measures, directed against the producer as well as the consumer, had cornered foodstuffs to the great detriment of all and Congress by enactment created or made it a crime, which it is against both, in the enactment of a law to prevent these parasites from their nefarious practices there was created an opportunity for the parasites to use the law itself to hide behind while they filched from both producer and consumer. It was never intended to prevent the farmer doing what is permitted by this bill. This bill has one purpose—to prevent persecution of those who now are pressed so hard that they are rapidly ceasing to live on the farm and migrating to the city, are ceasing to be producers and are becoming consumers.

You will search in vain for a single instance of a farmers' combination to store or corner farm products arising with the farmer. It never occurred.

This bill when enacted into law will only prevent undue and improper advantages used against the farmers, now insisted upon by the unscrupulous, from being carried to disastrous effect upon that calling upon which the moral and physical life of our Nation depends.

The danger present is not that the law may be passed, but has it not already been too long delayed and will it relieve the conditions now recognized as a menace?

The great mass of farmers are interested in their pursuits to the exclusion of most selfish interests. They are cognizant of the fact that others are advancing in a financial way more rapidly than they, but plod on, not recognizing that all interests work and work effectively against them. When the cry against the high cost of living is made, all pound the farmer as the first to make reductions in what he sells and the last to secure reductions in what he buys, and cut his price but keep their own elevated.

The Government itself has not been fair. It fixed the price of wheat during the war too low, but copper, iron, all manufactured products were helped on so that the amounts charged have created billionaires, but there are no farmer billionaires. Having fixed the price of wheat, it then, through Federal Reserve Board and banks, inflated the currency so that even the low price fixed was not paid in a currency nearly so valuable as it had been when the price was fixed. More, the price having been fixed too low, a profit resulted, and that is covered into the Treasury to the advantage of the men who during the war had great incomes. In Canada that profit was given to the farmer, to whom it justly belongs. In the United States it was given to the benefit of the billionaire profiteers.

During the Nation's hour of need unusual effort was asked of the farmer and he responded. That facts so greatly needed should be produced in larger quantities the Government through its proper agents offered to the farmer the noted "13 to 1" corn-

hog ration (Cong. Rec., 66th Cong., 2d sess., pp. 3163-3164, 5588-5590).

The farm occupants bent all efforts toward the desired production and results testify as to their success, but with the armistice request and promise were forgotten and are now denied and \$50,000,000 justly due the producers of fats are saved (?) by the Government, while billions are voted to would-be contractors for munitions and war supplies, the chief consideration for which was signing the Government voucher.

Even now as we are here discussing this measure comes from the Middle West the news of the fact that the Federal reserve bank, for reasons certainly not good (but the reason for which I believe I can trace to other questionable actions of the same board), is refusing to extend loans on what is termed "cattle paper." We hear of the "publicity" declarations that sugar speculators must lift their paper, but there is no news of any of that paper that has been lifted. Why? Why? But cattle paper given by the cattle raiser must be taken care of at once, and as this forces cattle upon the market before "fit," I am wondering do the packers and sugar speculators have access to the Federal Reserve System by a way not open to the farmer? It may be. Stranger things have happened.

With remuneration to the agricultural producer lower than to any other interest, with the cultivated area used for necessary crops decreasing, with agricultural help decreasing, with the number of owner and tenant farmers decreasing, with no increase in prices commensurate with such conditions apparent or probable in the immediate future, with our country pre-eminently adapted to agriculture and agriculture recognized as the basis upon which rests our present and upon which must rest our future greatness if we would continue as a great Nation, the present trend from farm to city must stop. To stop it the farm must have an adequate wage.

I believe this bill, if passed, will at least materially aid in bringing about that result.

Mr. IGOE. I yield 15 minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, this measure has been introduced by the distinguished chairman of the Committee on the Judiciary. I assume it is a substitute for what is known as the Capper-Hersman bill. Now, the distinguished chairman of this committee [Mr. VOLSTEAD] is noted and famous throughout the country because his name is also attached to another piece of legislation of which we are hearing a great deal up and down this broad land of ours every day and some of the nights.

The measure which we are now considering is, in my opinion, distinctly class legislation, and in the midst of the hurly-burly and the outcry which we hear going up from the homes and from the various communities of the land for some relief from the great high cost of living, the Republican Congress, led by the Republican chairman of a committee in control of Republicans, brings forth this measure to permit the farmers and producers of this country to combine and engage in collective bargaining and processing, in the futile hope that in that way the prices of their products are going to be lowered and those products placed within more easy reach of the consumer. I submit, Mr. Speaker, that any such result as that can not be looked for from the passage of this legislation. They have had these concerns under State laws in various parts of the Union, the most notable instance, I think, having been in California; and I would like to have somebody show the House—they certainly did not show the committee when they had hearings upon this measure—that the cost of those products has been lowered to any appreciable extent.

Under the provisions of this bill we turn over to the Secretary of Agriculture, the guardian angel of the farmers of this country, the say so as to whether men shall be prosecuted in case they have, through the enhancement of price, lessened competition or restrained trade. That authority now in other industries is vested elsewhere.

Furthermore, there is no provision in this bill for anybody to lodge a complaint or to require an investigation or prosecution. This bill bears all the earmarks of the dangerous propaganda that is being put forth by that organization which is thriving in some of the Western States, and which I fear is possibly invading the district of the distinguished chairman of this committee, the Nonpartisan League, which is fostering principles and ideas that are inimical to our Government, and which is seeking to put into practice things that will tear down the institutions of this Government. These principles, under cloak, are embodied in this measure, and I trust the House will not be in such a rush, during a campaign year, just before a much-hoped-for and possibly much-to-be-desired recess or adjournment, to run to cover because certain Representatives of the great farming States of the Middle West, aided by gentle-

men from other States which are not in the Middle West, seek to pass legislation of this sort.

Mr. STEVENSON. Will the gentleman yield?

Mr. WALSH. For a question.

Mr. STEVENSON. I would like to get the gentleman's opinion as to whether this is or is not conferring judicial power on the Secretary of Agriculture.

Mr. WALSH. The gentleman is a very distinguished lawyer, and I think from his making that inquiry there may be at least some doubt in his mind as to whether that is not so. I think it is so, Mr. Speaker, because it says:

That if the Secretary of Agriculture shall have reason to believe that any such association restrains trade or lessens competition to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than 30 days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from so restraining trade or lessening competition in such article.

Mr. VOLSTEAD. Will the gentleman yield?

Mr. STEVENSON. Will the gentleman yield for another question?

Mr. WALSH. I yield to the gentleman from South Carolina.

Mr. STEVENSON. I notice that there seems to be an appeal from the Secretary of Agriculture, but it is to a United States district court, is it not?

Mr. WALSH. Yes.

Mr. STEVENSON. That looks judicial also.

Mr. WALSH. There is an appeal from the decree of the Secretary of Agriculture to the judicial branch of this Government, which can affirm, reverse, or modify his order.

Mr. VOLSTEAD. Is not the gentleman aware that we have a Federal Trade Commission, upon which we have conferred just about the same powers?

Mr. WALSH. I am aware of that, and I know that the Federal Trade Commission is operating now in instances where under the State law the associations are engaged in this work, and where they are enhancing prices and restraining trade and lessening competition.

Mr. VOLSTEAD. Is not this the same thing that business corporations have—they have the power to combine with capital of millions of dollars?

Mr. WALSH. They have not the power under the law if the law is enforced. The gentleman appreciates that; but the idea of putting under one executive officer who under the law creating the department is supposed to do everything to encourage agriculture and assist the farmer to increase production—give him the power to say, "Well, Mr. Farmer of South Dakota, you are restraining trade a little too much; you have got to come in before me and have a hearing; and if you are not behaving yourself, I am going to give you a spanking. Of course, you can go to the district court and have the order considered."

Mr. MORGAN. Will the gentleman yield?

Mr. WALSH. I will yield to the distinguished jurist and more distinguished farmer from Oklahoma. [Laughter.]

Mr. MORGAN. I want to ask the gentleman if he is not aware that in practically all of the European countries the farmers combine under the law, and, not only that, but they are encouraged to do so?

Mr. WALSH. I have no doubt that in Russia they may have these organizations. [Laughter.]

Mr. MORGAN. No; but in England, Ireland, in Denmark, in Holland, in France the law allows it.

Mr. WALSH. Have they a Sherman antitrust law in France? Have they a Sherman antitrust law in England? If they have, does it exempt farmers from the operation of the act? Why, Mr. Speaker, it says that this is to permit these men to associate for the marketing of their goods, with the expectation that it will not lessen competition. If the farmers of Oklahoma, under this law, engaged in an association to market their goods, for the purposes of bargaining, marketing, and handling their goods, how can it be expected that it is not going to lessen competition? Why, of course it will lessen competition. It will restrain trade. It has done so in every State in which it has been tried under a State law.

Now, Mr. Speaker, I know that a great many Members of the House that come from industrial centers of this Nation are sometimes under somewhat of a shadow when they are considered by their colleagues in this body that come from the agricultural centers. They think—and, possibly, 99.44 of the time it is true—that we do not understand the agricultural problems. But, gentlemen, we pay a large share of the taxes—the money that is being spent by the Department of Agriculture. We appreciate that if it were not for the suc-

cess of the farmer, if it were not for his full crop, for the facilities in marketing to dispose of them, the whole prosperity of this country would probably come tumbling down about our heads. But I would have you remember, sir, that the farmers of this country have never been the subject of laws which discriminated against them as much as they may sometimes cry out to that effect. They have never been so prosperous, on the whole, as they have been within the last few years. At the time of their greatest prosperity you will find that the returns from them in the way of income and other taxes are not commensurate with the increase of their prosperity.

Why, the returns of income tax from the agricultural State of Iowa are something that should cause gentlemen from that State to blush with shame. There is a State that has the greatest amount of per capita circulation of any State in this Union. It has a population almost equivalent to the State I have the honor in part to represent, and yet its contribution, in spite of its prosperity, to the Federal Treasury from income tax is a mere pittance compared with other States and compared with other industrial States that have a larger population.

Mr. CANNON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CANNON. On page 3 I find that on complaint the Secretary of Agriculture may regulate these people, or not regulate them, after investigation; and if they do not obey his mandate for the first time he can resort to the courts. But suppose he be in sympathy with the people that this bill would authorize to associate together, then I do not find that there is any appeal to be made in that event to any court. He is supreme. Now, then, I want to say that I come from an agricultural State, a large agricultural district. I voted for the rule and I am in sympathy with apt legislation, but I do not want legislation that would shut out any American citizen from appealing for his real or supposed rights.

Mr. WALSH. Well, Mr. Speaker, the gentleman is correct. The Secretary of Agriculture is the only man that can set the machinery in motion. It is not an independent branch of the Federal Government, such as the Federal Trade Commission. The raisin growers and the prune growers from California came before the committee when we had hearings upon this bill. They were very much peeved and disturbed, and criticized the Federal Trade Commission because it called them before it on account of complaints having been made that they were enhancing unduly the price of their products, and they set up an objection to putting the power in the Federal Trade Commission to do that; they claimed that they should not be bothered by being haled before the Federal Trade Commission to tell them about the costs and profits that they were making, and that, therefore, the power should be lodged in other hands. It is now lodged—

The SPEAKER. The time of the gentleman from Massachusetts has expired.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, before we have further exposition upon this bill I think we should have a quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present.

Mr. WELLING. Why not move to adjourn?

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes had it.

Mr. DOWELL (and others). Mr. Speaker, I demand a division.

The House divided.

The SPEAKER. On this vote the ayes are 33 and the noes are 33. The ayes have it, and the House stands adjourned until to-morrow at 12 o'clock.

Mr. DOWELL (and others). Mr. Speaker, we demand tellers; we are entitled to tellers.

Mr. WALSH. Mr. Speaker, I make the point of order that the House was not in session when this demand was made, it having been declared adjourned by the Speaker. The Speaker is not now in position to recognize the demand. The House has adjourned.

The SPEAKER. The Chair thinks the point of order is well taken. The Chair was not precipitate. After announcing the result the Chair waited before making the statement that the House had adjourned.

Accordingly (at 6 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Saturday, May 29, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting a supplemental estimate of appropriation required by the Post Office Department for the Postal Service, "Indemnities, domestic mail," during the fiscal year 1920 (H. Doc. No. 798); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting draft of requested legislation to repeal the bill establishing relative rank of brigadier generals of the Army with rear admirals of the Navy; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUSTED, from the Committee on the Judiciary, to which was referred the bill (H. R. 14136) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913, and for the establishment of a probation system in the United States courts, except in the District of Columbia, reported the same with amendments, accompanied by a report (No. 1054), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLER: A bill (H. R. 14283) to authorize the deportation of aliens convicted of importing narcotics into the United States; to the Committee on the Judiciary.

By Mr. LEA of California: A bill (H. R. 14284) to amend section 110 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and to establish military justice; to the Committee on Military Affairs.

By Mr. DALLINGER: A bill (H. R. 14285) to prohibit the export of coal from the United States or any place subject to its jurisdiction; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: A bill (H. R. 14286) to authorize officers of the naval service to accept offices with compensation and emoluments from Governments of the Republics of South America; to the Committee on Naval Affairs.

By Mr. TILSON: A bill (H. R. 14287) to provide revenue, encourage domestic industries, and make provision for the national defense by the elimination, through the assessment of special duties, of unfair foreign competition in the sale of aeroplanes imported into the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. DALLINGER: Resolution (H. Res. 573) requesting the Interstate Commerce Commission to enforce the powers conferred upon it by the act entitled "An act to amend an act entitled 'An act to regulate commerce,' as amended in respect of car service, and for other purposes," approved May 29, 1917, to prohibit the further exportation of anthracite and bituminous coal from the United States until such time as the present emergency shall have passed; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Resolution (H. Res. 574) to investigate the escape of Grover Cleveland Bergdoll; to the Committee on Rules.

By Mr. CONNALLY: Joint resolution (H. J. Res. 366) repealing certain war legislation and fixing a date for the termination of emergency acts; to the Committee on the Judiciary.

By Mr. ACKERMAN: Joint resolution (H. J. Res. 367) to repeal war-time legislation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 14288) granting a pension to Lola Beebe; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 14289) for the relief of Col. Herbert Deakyn, Corps of Engineers, United States Army; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 14290) granting an increase of pension to George P. Robertson; to the Committee on Pensions.

Also, a bill (H. R. 14291) granting a pension to Electa E. Rockwell; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 14292) for the relief of Ethel A. Fullwood; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 14293) granting a pension to James McCray; to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 14294) granting an increase of pension to Mary E. Lynde; to the Committee on Pensions.

By Mr. PHELAN: A bill (H. R. 14295) granting a pension to Bridget Margaret Geraghty; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 14296) granting an increase of pension to Rutherford H. Bowsher; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 14297) granting a pension to Kittie Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14298) granting a pension to Hiram L. Hensley; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 14299) granting a pension to Lucy Sanders; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 14300) granting a pension to Margaret Gilbon; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14301) granting a pension to Polly Marsee; to the Committee on Pensions.

Also, a bill (H. R. 14302) granting a pension to Creed F. Casteel; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 14303) granting a pension to Mary Kirk; to the Committee on Pensions.

Also, a bill (H. R. 14304) granting a pension to Mrs. Albert B. Hoffman; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 14305) granting a pension to Harriet E. Sabin; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 14306) for the relief of Walter R. Smith; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 14307) granting a pension to Edwin S. Fager; to the Committee on Pensions.

By Mr. WISE: A bill (H. R. 14308) for the relief of J. H. B. Wilder; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3971. By Mr. CULLEN: Petition of Henry F. Osborn, jr., Marvin G. Sperry, and the Tobacco Merchants' Association of the United States, in connection with bonus legislation; to the Committee on Ways and Means.

3972. By Mr. DARROW: Petition of 73 residents of Germantown, Pa., in behalf of increased salaries for postal employees; to the Committee on the Post Office and Post Roads.

3973. Also, petition of 34 residents of Philadelphia, Pa., favoring passage of House bill 13334; to the Committee on the Territories.

3974. Also, resolution of the Commercial Exchange of Philadelphia, Pa., opposing a cash bonus for able-bodied service men; to the Committee on Ways and Means.

3975. By Mr. ESCH: Petition of 46 residents of Wisconsin, against compulsory military training; to the Committee on Military Affairs.

3976. Also, petition of Illinois Grain Dealers' Association, protesting against passage of section 704 of House bill 13874; to the Committee on Agriculture.

3977. Also, petition of the Tobacco Merchants' Association of the United States, protesting against proposed tax on tobacco; to the Committee on Ways and Means.

3978. By Mr. FULLER of Illinois: Petition of Disabled Men's Bureau of Service and Legislative Relief, opposing pending bonus bill; to the Committee on Ways and Means.

3979. Also, petition of the Air Reduction Sales Co., of Chicago, Ill., concerning pending patent legislation; to the Committee on Patents.

3980. By Mr. GALLIVAN: Petition from Francis J. O'Hara, South Boston, Mass., and 75 others, requesting passage of legislation which will provide suitable living wages for the employees of the Postal Service; to the Committee on the Post Office and Post Roads.

3981. Also, petition from Thomas L. Walsh, South Boston, Mass., and 100 others, requesting passage of legislation which will provide suitable living wages for the employees of the Postal Service; to the Committee on the Post Office and Post Roads.

3982. By Mr. GOLDFOGLE: Petition of the Workmen's Circle, Branch No. 8, and the Sons of Unterstuetzungs Verein, Branch No. 68, New York, favoring amnesty for military prisoners; to the Committee on the Judiciary.

3983. By Mr. HADLEY: Five petitions signed by E. T. Rioridon and 28 others, Carroll Lewis and 18 others, Ulrick Holten and 27 others, Charles Thorsen and 19 others and James Lawless and 19 others, all ex-service men, from the Private Soldiers' and Sailors' Legion of Washington, favoring a cash bonus of \$500 for ex-service men; to the Committee on Ways and Means.

3984. By Mr. KELLY of Pennsylvania: Petition of Chamber of Commerce of Pittsburgh, Pa., urging increased salaries for postal employees; to the Committee on the Post Office and Post Roads.

3985. By Mr. LONERGAN: Resolutions of the Diocesan Convention of the Episcopal Church of Connecticut, that the obligations of the United States in the Near East be faced; to the Committee on Foreign Affairs.

3986. Also, resolutions of the Typewriter Lodge, Hartford, Conn., of International Machinists, for the repeal of the wartime sedition laws; to the Committee on the Judiciary.

3987. Also, resolutions of the Connecticut Pastoral Union of Hartford, Conn., favoring the acceptance of the mandate for Armenia; to the Committee on Foreign Affairs.

3988. By Mr. MCLENNON: Five petitions of unions, associations, corporations, and individuals, of New Jersey, favoring increase in salaries of postal employees; to the Committee on the Post Offices and Post Roads.

3989. By Mr. O'CONNELL: Petition of Henry F. Osborn, jr., the William Whitman Co., and the Tobacco Merchants' Association of the United States, all of New York, in connection with bonus legislation; to the Committee on Ways and Means.

3990. By Mr. ROWAN: Petition of New York Employing Printers' Association, Butterick Publishing Co., and the Universal Leaf Tobacco Co., of New York, favoring increased salaries for postal employees; to the Committee on the Post Office and Post Roads.

3991. Also, petition of the Merchants' Association and the Columbia University Post, American Legion, of New York, in connection with the bonus legislation; to the Committee on Ways and Means.

3992. By Mr. SNYDER: Petition of sundry residents of the thirty-third New York congressional district, favoring the passage of House bill 10925, offering Government aid to all States who will join in the maternal and infant-welfare work; to the Committee on Interstate and Foreign Commerce.

3993. By Mr. TAGUE: Petition of sundry citizens of the State of Massachusetts, urging increased pay for postal employees; to the Committee on the Post Office and Post Roads.

3994. By Mr. VAILE: Petition of Montrose Lodge, No. 1053, Benevolent and Protective Order of Elks, Montrose, Colo., pledging their support in suppression of the activities of the I. W. W., Bolsheviks, and kindred organizations; to the Committee on the Judiciary.

SENATE.

SATURDAY, May 29, 1920.

(Legislative day of Monday, May 24, 1920.)

The Senate reassembled at 11 o'clock noon, on the expiration of the recess.

MAIL SERVICE IN ALASKA (S. DOC. NO. 282).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General stating that, pursuant to law, a special contract had been entered into with the Alaska Engineering Commission for carrying the mails as far as trains may be operated during the next winter season between Seward and Fairbanks, Alaska, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

NATIONAL ZOOLOGICAL PARK POLICEMEN (S. DOC. NO. 283).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Smithsonian Institution submitting a supplemental estimate of appropriation in the sum of \$4,160 required by that institution to provide additional compensation for the policemen at the National Zoological Park, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the